

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, 28th July 1953.

The House met in the Assembly Chamber, Government Estate, Mount Road, at half-past eight of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Closure of the Civil Supplies Unit at Vijayavada.

* 1142-A, * 1142-B and * 1142-C—

THE HON. SRI C. SUBRAMANIAM :—“ There are three questions on the same subject. I will answer all of them together.”

* 1142-A Q.—SRI M. LAKSHMANASWAMY: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have cancelled the Civil Supplies Unit at Vijayavada; and

(b) if the answer is in the affirmative to what place the lorries and other vehicles of the Unit were transferred?

THE HON. SRI C. SUBRAMANIAM :—“ (a) In pursuance of the Decontrol Policy adopted by the Government, two units of lorries (36 in all), were laid off the road in October 1952 as there was no work for them.

“ (b) Some of the lorries were sent to other districts for use in the Mobile Grain Shop Scheme. Some were sent to other districts including Guntur for use in famine relief operations and supplying drinking water. Four vehicles were auctioned at Vijayavada itself as they were unfit for further use. The remaining lorries which either required extensive repairs or were unfit for further use were ordered to be transferred to Madras for repairs or sale. Seven of them have already arrived at Madras and the remaining eleven are on the way. The defunct units did not consist of any vehicles other than lorries.”

* 1142-B Q.—SRI K. SUBBA REDDI: Will the Hon. the Minister for Finance be pleased to State—

(a) whether the Civil Supplies Department Unit at Vijayavada has been abolished; and

(b) how many Civil Supplies lorries were transferred to Madras from Vijayavada?

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THE HON. SRI C. SUBRAMANIAM :—“(a) Yes. In pursuance of the policy of decontrol two units of lorries (36 in all) were laid off the road in October 1952 as there was no work for them.

“(b) Eighteen lorries of which 7 have already arrived and 11 are on the way.”

* 1142-C Q.—SRI M. VEERABHADRAM : Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that the Government have closed the Civil Supplies Department Unit at Vijayavada;

(b) whether the Government have transferred all the movable property or part of it of the same department from Vijayavada to Madras; and

(c) if so, the reasons for the same?

THE HON. SRI C. SUBRAMANIAM :—“(a) It is presumed that the hon. Member is referring to the Civil Supplies transport units. If so, the answer is in the affirmative. In pursuance of the policy of decontrol two units of lorries (36 in all) were laid off the road in October 1952 as there was no work for them.

“(b) Yes.

“(c) The two units at Vijayavada were being used in connexion with the intensive procurement scheme in the Andhra districts. As this scheme was given up in view of the revised food policy of the Government which was announced in June 1952 there was no longer any need for these two units and hence they were abolished last year itself. The serviceable spare parts, accessories, etc., of the lorries of these units were transferred to Bobbili where two Civil Supplies Transport Units are still functioning and to Madras for being stored in the Central Stores for use by the Civil Supplies vehicles throughout the State. Some of the lorries were diverted for use in the Mobile Grainshops Scheme and for use in famine relief operations and in supplying drinking water in Guntur district. The remaining lorries and the unserviceable spare parts and accessories were ordered to be transferred to Madras for the following reasons :—

(a) to avoid incurring expenditure on the staff required for looking after the lorries and stores;

(b) all the remaining lorries either required extensive repairs or were unfit for further use. The lorries which required extensive repairs were ordered to be transferred to Madras for getting them repaired prior to their allotment to other departments requiring them. This was done because there are better workshop facilities in Madras City than

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at Vijayavada. The lorries unfit for further use and the unserviceable spare parts and accessories were transferred to Madras for being auctioned as it was found that auctioning them at Madras will fetch a better price than auctioning them at Vijayavada."

SRI M. LAKSHMANASWAMY :—" May I know on what date this particular unit was disbanded? "

THE HON. SRI C. SUBRAMANIAM :—" In October 1952."

SRI T. VISWANATHAM :—" The Hon. Leader of the House says that the unit was disbanded in October 1952. The complaint is about the recent movement of lorries to the south. After disbanding, did the Government wait for more than six months to move the units? "

THE HON. SRI C. SUBRAMANIAM :—" I have already explained that there were 36 lorries. They were not necessary for the Civil Supplies work and therefore the unit was disbanded. Some of the lorries were being used for other purposes, such as the Mobile Grainshops Scheme, famine relief work and supply of drinking water in scarcity areas. The remaining 18 lorries either required extensive repairs or were unfit for further use. The question of how to dispose of these 18 lorries is under consideration."

SRI PILLALAMARRI VENKATESWARLU :—" Sir, it was said that the unit was disbanded in October 1952. But all the lorries are being transferred to Madras now. Eleven are still on their way. May I know, Sir, why at this time the lorries are being transferred to Madras? "

8-40
a.m.

THE HON. SRI C. SUBRAMANIAM :—" I have already explained, Sir, that some of them were unfit for any use. They could not be used as lorries as such. The other lorries required extensive repairs. For the purpose of carrying out the repairs, they are being transferred."

SRI V. BALAKRISHNAN :—" Sir, why should not some of these lorries be spared to the Prohibition Department for quick enforcement of Prohibition laws? "

THE HON. SRI C. SUBRAMANIAM :—" The question of allotment of these lorries to other departments will arise when the lorries are repaired and when they become serviceable."

SRI T. VISWANATHAM :—" Sir, the simple question is whether movement of these lorries began after the proposal to divide the articles according to the area in which they exist as per the Andhra State Bill, we want an answer without fencing."

THE HON. SRI C. SUBRAMANIAM :—" I am glad, Sir, the question has been put in a straightforward manner without

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fencing. This will not affect the division of assets and liabilities on the area basis. The entire Civil Supplies Transport Unit is attached to the Civil Supplies State Trading Scheme. This will not be on the area basis. Different principles will apply here. Therefore, this will not affect the division in any way whatsoever."

SRI PILLALAMARRI VENKATESWARLU :—" Sir, my question was why such a transfer was being effected at this stage. Why did they not do it in October 1952 itself? "

THE HON. SRI C. SUBRAMANIAM :—" I have explained that in 1952 these lorries could be used for some purpose there, and they are being used even now. As a matter of fact 18 lorries are still being used for other purposes in the same area. But the other 18 lorries could not be used, because they have become unserviceable, and some could not be used at all even after extensive repairs. That is why the movement."

SRI K. RAJAGOPALA RAO :—" May I know, Sir, whether the Government have adopted a similar attitude towards other Civil Supplies Transport Units, or they have transferred only the Vijayavada unit? "

THE HON. SRI C. SUBRAMANIAM :—" As far as the Bobbili Unit is concerned, there is still work going on, and the unit is maintained there. There is no question of disbanding the unit now. But the two units at Vijayavada were disbanded in October 1952. The lorries were being used for other purposes. As a matter of fact, 18 lorries are still being used for other purposes because, they are serviceable. But others have become unserviceable. Therefore the question has arisen as to how to repair them and how to dispose them of."

SRI M. VEERABHADRAM :—" Sir, the Finance Minister told us that some of the lorries had been sent to Guntur. Are they on their way to Madras? "

THE HON. SRI C. SUBRAMANIAM :—" They are serving the Guntur district."

SRI C. PULLA REDDI :—" Are we to understand that there are not repair facilities in Andhra? "

THE HON. SRI C. SUBRAMANIAM :—" There are repair facilities to a certain extent in Vijayavada. But to carry out these extensive repairs, we have got better facilities in Madras."

SRI VAVILALA GOPALAKRISHNAIAH :—" Is it not a fact, Sir, that some tractors were transferred from Vijayavada to Cuddalore, and that they were transported and delivered to the persons for whom they were allotted not by rail but by lorries? "

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THE HON. SRI C. SUBRAMANIAM :—“ The question about tractors can be put to the Minister in charge of Agriculture. But if the allegation is that these tractors were put in the civil supplies lorries and transported, it is wrong.”

SRI M. KALYANASUNDARAM :—“ Sir, are these vehicles sent to Madras for repairs, transported by rail? If so, is it not more costly than the cost of the repairs, if carried out in Vijayavada itself? ”

THE HON. SRI C. SUBRAMANIAM :—“ They are not being transported by rail.”

SRI PILLALAMARRI VENKATESWARLU :—“ Will the Government, Sir, give an assurance that after the repairs are carried out, or even now at least, these lorries will be sent back to Vijayavada? ”

THE HON. SRI C. SUBRAMANIAM :—“ The question will arise as soon as the repairs are effected. Then a proper and just decision will be taken regarding their disposal.”

Extension of the Grow More Food concessions to the current fasli.

* 1142-D Q.—SRI S. VEMIAH : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Grow More Food concession has been extended to the current fasli or not; and

(b) if the answer to (a) is in the negative, the reason for the same?

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ (a) No.

“ (b) The question of extending the Grow More Food concessions to the current fasli, viz., 1363 is under consideration in consultation with the Collectors and the Chief Engineer (Irrigation). Orders will issue in due course.”

SRI S. VEMIAH :—“ Sir, how long will the Government take to extend the Grow More Food Scheme to the current fasli? The cultivation season has already commenced.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ We are advancing it as far as possible. The reports of certain Collectors have not yet been received. We have reminded them twice or thrice. Very soon the reports will be received.”

SRI K. GOVINDA RAO :—“ May I know, Sir, why the Grow More Food concession has been dropped now? Is it because there is already enough food in the country? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ It is not dropped. We are considering whether more concessions could be given and whether other changes would be useful.”

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SRI S. VEMIAH :—“ What are the points required by the Government from all the Collectors to extend this concession, Sir? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ To make the whole scheme more useful.”

SRI G. NAGESWARA RAO :—“ ఆయన, ఈ G.M.F. Campaign క్రింద సాగుబడి అయ్యే భూముల విషయములో పన్నులు, పెనాల్టీలు అధికంగా వేస్తున్నారు. అందువల్ల మన రాష్ట్రములో అధికోత్పత్తి స్త్రీకు జెబ్బరిని శుభ్రుత్తి అధికము కావడము లేదు. అందుచేత ప్రభుత్వంవారు అధిక పన్నులను, పెనాల్టీలను రద్దుచేస్తారా? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ A separate question may be put, Sir.”

SRI P. PUNDARIKAKSHACHARYULU :—“ When the Government are spending more and more on (Grow More Food) why is food production becoming less and less year after year? Is there any defect in the policy or the programme of the Government? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ Unfortunately, the people are not co-operating with us.”

SRI R. SIDDANNA GOWD :—“ What are the measures taken by the Government to accelerate the progress of Grow More Food campaign? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ That is exactly what we are now considering.”

Electricity projects in Cuddapah district.

* 1143 Q.—

MR. SPEAKER :—“ The hon. Member Mr. V. Chidanandam is not in his place. The question and answer will be printed in the proceedings.”

SRI V. CHIDANANDAM : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the Government have sanctioned electricity projects (1) from Gandi to Sidhout town via Machupalli and (2) from Machupalli to Ponnayolu, Venkatayapalli, Kothapalli, Gollapalli and Joti in Cuddapah district;

(b) if so, what is the estimated cost of each of the projects; and

(c) when the Government will take up the projects for execution?

THE HON. SRI N. RANGA REDDI :—“ (a) Two schemes for extension of supply of electricity, one from Gandi to Sidhout town in Siddavattam taluk and another for further extension to Machupalli and Ponnayolu villages in Cuddapah taluk,

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have already been sanctioned. Extension of supply of electricity to Venkatayapalli, Kothapalli, Gollapalli and Joti villages has not been sanctioned.

“(b) The scheme for extension of supply of electricity to Sidhout town and other villages is estimated to cost Rs. 3,18,500 and the scheme for extension of supply of electricity to Machupalli and Ponnayolu villages is estimated to cost Rs. 82,600.

“(c) The execution of the schemes will depend on the local contributions to meet the capital cost.”

*Chezarla New Channel scheme in Atmakur taluk,
Nellore district.*

* 1144 Q.—SRI G. C. KONDAYYA : Will the Hon. the Minister for Public Works be pleased to state—

(a) why the Government have not completed the new channel scheme by name “Chezarla New Channel” in Atmakur taluk, Nellore district; and

(b) whether the Government have totally stopped the work or whether it is stopped temporarily?

THE HON. SRI N. RANGA REDDI :—“(a) The Chezarla New Channel Scheme for the extension of irrigation under the Chezarla main channel in Atmakur taluk, Nellore district, has already been completed in July 1951. But as the supply in the channel has been inadequate for the development of the full ayacut proposed, a proposal to augment supplies to the new channel direct from Pennar is under examination by the local officers.

“(b) Does not arise.”

SRI G. C. KONDAYYA :—“When will the work be completed? Will it be completed at least by the end of the year?”

THE HON. SRI N. RANGA REDDI :—“Examination of the project by the local officers is now taken up.”

SRI G. C. KONDAYYA :—“Sir, proposals and estimates have been sent up, and the engineers are awaiting approval. When will the Government approve of the project?”

THE HON. SRI N. RANGA REDDI :—“Notice, Sir.”

SRI B. SANKARAYYA :—“ప్రతి చిన్న ఇరిగేషన్ స్కీమ్ కూడా ఆర్డర్ యీ విధంగా ఆలస్యము అవుతున్నది. ఈ విధంగా ఆలస్యము కాంట్రాక్ట్ కారణము ఏమిటో ప్రభుత్వంవారు తెలిపినారా?”

THE HON. SRI N. RANGA REDDI :—“The hon. Member is wrong in his inference that irrigation schemes are postponed only in the Andhra Desa.”

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Assignment of lands on either side of Romperu drain in Bapatla.

* 1145 Q.—

MR. SPEAKER :—“ The hon. Member Sri Pragada Kotaiah is not in his place. The question and answer will be printed in the proceedings.”

SRI PRAGADA KOTAIAH : Will the Hon. the Minister for Land Revenue be pleased to state the instructions given by the Government to the Romperu Special Deputy Collector, Chirala, recently appointed in respect of the assignment of the assessed waste lands lying on either side of the Romperu drain in Bapatla taluk?

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ The Special Deputy Collector is now engaged in gathering statistics which would facilitate the assignment of the land as soon as the Government pass orders on the report of the Committee.”

Alleged torture by the police of the son of B. Neelayya of Ravikampadu, Chintalapudi taluk.

8-50 a.m. * 1146 Q.—SRI M. KUNE RAO : Will the Hon. the Chief Minister be pleased to state—

(a) whether the Government have received any petition from Sri Boppanna Neelayya of the village of Ravikampadu, Chintalapudi taluk, West Godavari district, on 12th November 1952, complaining about the sudden death of his son due to torture by the police in Tadikalapudy Police station in the same district on 9th November 1952; and

(b) if so, the action taken thereon?

THE HON. SRI C. RAJAGOPALACHARI :—“ (a) & (b) No petition from Boppanna Neelayya was received by Government but they received official intimation that one Sri Boppanna Ramulu, son of Boppanna Neelayya referred to committed suicide by drowning himself in a well while under police custody in connection with a theft case along with five others. At the instance of the Police officers the Subdivisional First-class Magistrate of Eluru went to the spot at once and held the inquest. The post-mortem revealed that there were no external injuries on the body of the deceased. The verdict was that the deceased committed suicide out of fear of being subjected to police investigation and torture in connexion with the theft case. The medical evidence showed that there were no injuries, internal and external in the body of the deceased and that death was due to asphyxia due to drowning. The Subdivisional Magistrate, Eluru, who was present at the inquest and enquired into the case fully has expressed his opinion clearly that it is a case of suicide.”

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SRI M. KUNE RAO :—“అయ్యా, బొప్పనరాయలు అనే అతనిని అరుస్తు చేసి పోలీసు స్టేషనులో పెట్టినప్పుడు, ఆయన పోలీసు కట్టడిలోంచి వివిధంగా తప్పించుకునిపోయి నూలిలాబడి చాచాలు తీసుకున్నాడో, ముఖ్యమంత్రిగారు చెబుస్తారా ?”

THE HON. SRI C. RAJAGOPALACHARI :—“I think I have placed the entire report on the table of the House.”

SRI C. PULLA REDDI :—“The hon. Member wants to know how it was possible for the man concerned who had been in police custody to escape and conveniently fall into the well”

THE HON. SRI C. RAJAGOPALACHARI :—“There is no convenience about it. In this case about 6 persons were taken to the police station suspected of theft. The enquiry showed that there was a certain amount of rough handling by the head constable—beating and threatening—and the other persons stood it all right as generally they do. The youngster could not probably stand it and got frightened. They were not put in a lock-up. As a matter of fact, they were only interrogated. The youngster went to the well and there is evidence to show that he was seen standing on the parapet wall and that after he fell into it a rope was let down and that he would not hold it and he thus put an end to himself. Youngsters do get excited and frightened and do things like this. However, it is very unfortunate. I may mention for the information of the hon. Members that the head constable has been dismissed.”

SRI M. KALYANASUNDARAM :—“Sir, no report has been placed on the table of the House as stated by the Hon. Chief Minister.”

THE HON. SRI C. RAJAGOPALACHARI :—“I have copies of the report. If the hon. Members desire, I shall place them on the table of the House.”

SRI M. KALYANASUNDARAM :—“From the report read by the Hon. Chief Minister, the whole thing looks improbable.”

THE HON. SRI C. RAJAGOPALACHARI :—“I don't suppose we are sitting as judges here. I don't believe in very large courts of justice.”

SRI M. KALYANASUNDARAM :—“I agree that we cannot become an enquiry committee. Even in the report it is admitted that there has been some torture. My inference is that he must have been tortured to death and then the police must have thrown him into the well. Will the Government appoint an Enquiry Committee to enquire into the conduct of the police?”

THE HON. SRI C. RAJAGOPALACHARI :—“My inference is that the police head constable could not be so foolish. It does not happen like that, i.e., a policeman committing a

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murder and putting the body near about the station itself so that it could be handled by the Opposition parties in the Legislature."

SRI M. KALYANASUNDARAM :—"In order to prepare a good story!"

SRI T. NAGI REDDI.—"I am glad that at least once, the Government have accepted that there has been torture by the police. Within these one and half years, we have had at least 12 such cases of death at the hands of the police. That being so, will the Government take care to see that such officers who are responsible for these are not excused, but are brought to book by holding a proper judicial or non-official enquiry into those incidents and by awarding severe punishments to the guilty?"

THE HON. SRI C. RAJAGOPALACHARI :—"We cannot appoint a Committee of Enquiry for each incident or offence after a lapse of time. What is really useful to society at large is an immediate enquiry by a judicial officer and that has been done in this case. A non-official enquiry will not get us anything more except parties operating in the place. Here in this case, we have had an immediate magisterial enquiry by a magistrate when the body was there, when the doctor was before him, the whole village was before him and everything was before him. The enquiry has produced results, and he has given his verdict. The Opposition Members were kind enough to recognise that at least in one case the Government have not done wrong. The emphasis is rather the other way about on the other side. If anything goes wrong occasionally, we don't shirk exposing it."

SRI T. VISWANATHAM :—"Sir, will the Hon. Chief Minister enlighten us, at what place this belabouring of people took place, was it done in the police compound or in a public place, where was the well situated and what was the distance between the police station compound and the well into which this supposed dead body or living body was thrown?"

THE HON. SRI C. RAJAGOPALACHARI :—"The whole thing is misconceived. As a matter of fact, hon. Members have experience of life to know that intelligent Government servants who wish to commit such offences commit it in a different way and not in this clumsy way. Let them compare these two cases, the probability of an youngster doing away with himself under those circumstances and the probability of a head constable for no reason whatsoever killing somebody who was an accused and then putting the body in a well nearby. As I said, we cannot sit in judgment upon the result of the enquiry on the spot by a responsible officer. His report will be placed on the table of the House. The hon. Members may accept it or may not accept it. But we can do nothing else. The Government are satisfied that the head

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constable irregularly took charge of those people and did not record the arrest and did not do his job properly. So he has been dismissed."

SRI T. NAGI REDDI :—" Mr. Viswanatham's question was not answered."

THE HON. SRI C. RAJAGOPALACHARI :—" The report will be placed on the table of the House and it will show details."

SRI V. R. KRISHNA AYYAR :—" May I know whether the question of prosecuting the head constable who rough-handed the person was considered by the Government? Secondly, will the Government take action against the other officers who were responsible for the escape of the boy from police custody for negligence or misconduct and award suitable punishment to them? "

THE HON. SRI C. RAJAGOPALACHARI :—" The evidence was vague. The net result was that we could only find from the judicial report the irregularity that I referred to in taking charge of people without recording the arrest. But as for belabouring and other things, the evidence was variant, discrepant and the like and we cannot expect any prosecution to succeed. We did not want a person who was clearly guilty of misconduct, to get away with an acquittal from a Magistrate and later on coming forward with a claim, even perhaps at the instance of Opposition Members, for restoration to service. In this case, the head constable was dismissed after a departmental enquiry."

SRI K. KRISHNA RAO :—" The Hon. Chief Minister himself has admitted that it is a fact . . . "

THE HON. SRI C. RAJAGOPALACHARI :—" I do not think I should be said to have *admitted* anything. I did not kill the boy." (Laughter.)

SRI K. KRISHNA RAO :—" From the report read by the Hon. Chief Minister it is evident that those persons and the boy were arrested and the fact of the arrest was not entered in the books . . . "

THE HON. SRI C. RAJAGOPALACHARI :—" Hon. Members have some experience of thefts. (Laughter.) It is very difficult . . . "

SRI M. KALYANASUNDARAM :—" Sir, I do not know the implications of this statement of the Hon. Chief Minister."

THE HON. SRI C. RAJAGOPALACHARI :—" You will understand it if only you wait to hear me. If, however, you wish to enjoy the joke, I do not object. Hon. Members have experience of these cases. They have themselves lost things and they have complained to the police and they themselves have on many occasions said, ' Why don't the police take

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immediate action and find out the culprit and restore our properties?' It is very difficult to investigate such cases and detect culprits. They have first to start on suspicion. The police interrogate the suspected people so that they may know something more about the case. If they are clever, they get a clue. In some cases, a slight slap on the cheek is given to know the facts. In such cases, some people get frightened. Just as in this case, the boy gets frightened and dies and questions are asked here."

SRI S. VEMIAH :—" Sir, I take objection to the statement made by the Hon. Chief Minister that hon. Members have more experience in thefts. I would request the Chair to ask him to withdraw that statement."

THE HON. SRI C. RAJAGOPALACHARI :—" I think something is wrong with the hon. Member in having presumed many things. There was no necessity whatsoever to misunderstand my statement unless indeed one's conscience is guilty." (Laughter.)

SRI V. BALAKRISHNAN :—" May I know whether any compensation or solatium will be paid to the dependants of the deceased person in view of the fact that his death took place under Government auspices? "

THE HON. SRI C. RAJAGOPALACHARI :—" After the distribution of the assets and liabilities, we will consider it, Sir." (Laughter.)

Use of pump-sets in Pugalur channel, Karur taluk.

* 1147 Q.—SRI M. KALYANASUNDARAM : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any Government Order has been issued regarding the use of pump-sets by some landlords for taking water from Pugalur channel, Karur taluk, Tiruchirappalli district;

(b) if so, what are the instructions contained in the Government Order;

(c) whether those instructions have been implemented by the concerned district authorities; and

(d) the reasons for the delay in case they have not been implemented?

THE HON. SRI N. RANGA REDDI :—" (a) Yes.

" (b) (1) To remove all unauthorised pumpsets or at least to prevent them from functioning.

(2) To cancel permits for the pumpsets functioning and to put up earthen bunds across the offtake channels leading to the pumpsets from the Pugalur channel, to prevent water from reaching the pumping installations.

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(3) Permits should not be renewed in cases where they were issued under the Grow More Food Campaign after 1943-44.

(4) Permits may, however, be renewed in individual cases in respect of small areas of genuine old cases and old picottah baling wet lands for which permits for mechanical pumping had been previously given (i.e., prior to 1943-44) the areas being limited to old baling wet lands, but subject to stiff safeguards. In the case of baling permits purely by picottahs, renewals will be confined strictly to old cases on an area of about 83 acres.

“(c) & (d) The orders could not be implemented immediately on account of certain practical difficulties in giving effect to the orders and effectively preventing the pumpsets from functioning. The Government have since issued suitable instructions to the Collector in the matter.”

SRI M. KALYANASUNDARAM :—“ The long reply read out by the Hon. Minister looks very reasonable. But my complaint is it is more than eight months since the said instructions were issued by the Government. The local authorities are deliberately helping the few landlords. May I know what action the Government propose to take against the officers for the delay in implementing their instructions? ” 9 a.m.

THE HON. SRI N. RANGA REDDI :—“ The Government considered all these cases afresh and issued instructions on 12th May 1953. What has been done by the Collector is this. The Collector has reported that twelve pump-sets were effectively prevented from functioning by taking action under the provisions of the Land Encroachment Act. In respect of another twelve cases, for which the period of permission for pumping had expired, notices were served by the Collector on the parties concerned stating that the permits would not be renewed for fasli 1363 and thereafter and that criminal proceedings would be taken against them for taking water unauthorizably. Necessary action is being taken by the Collector to cancel the permits in the remaining five cases.”

SRI M. KALYANASUNDARAM :—“ Even after hearing the reply that the Government have issued instructions subsequently—that is, as early as in May—we still hear that the instructions have not been carried out, though we are in July now. Will the Government issue telegraphic instructions to the Collector to implement the instructions straightaway? ”

THE HON. SRI N. RANGA REDDI :—“ Telegraphic instructions would not advance the case.”

* 1148 Q.—SRI T. LAKSHMINARAYANA REDDI :—“ I request a half-hour debate on this important question. You did not allow an adjournment motion on this.”

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MR. SPEAKER :—" Yesterday, there was a discussion on this question."

SRI T. LAKSHMINARAYANA REDDI :—" No, Sir."

MR. SPEAKER :—" We have a half-hour debate to-day on the question put by Mr. Narayanan Nambiar. Day after to-morrow is the last day of this meeting. Let me hear at least the answer of the Minister."

*Assignment of lands to political sufferers and gruel centres
in Penukonda taluk.*

* 1148 Q.—SRI T. LAKSHMINARAYANA REDDI: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether any lands were granted to satyagrahis in Settipalley in Penukonda taluk, Anantapur district;

(b) whether the Hon. the Minister for Famine visited Penukonda and Kadiri taluks in 1952 or 1953;

(c) how many gruel centres were started in Penukonda taluk in 1952;

(d) how many are working now; and

(e) whether the Government have any proposal to raise the wages of the coolies in the gruel centre?

THE HON. SRI M. A. MANICKAVELU NAICKER :—" (a) Yes.

" (b) There is no Minister for Famine; if the Revenue Minister is meant, the answer is in the negative.

" (c) The total number of gruel centres started in Penukonda taluk in 1952 was 55.

" (d) Nineteen gruel centres are now functioning in Penukonda taluk.

" (e) No mazdoors were employed in the gruel centres in Penukonda taluk. Only cooks are employed on a daily wage of 8 annas each."

SRI T. LAKSHMINARAYANA REDDI :—" In view of the fact that four firkas are affected this year and only two firkas were affected last year and in view of the fact that the Government have reduced the number of gruel centres from 55 to 19, will the Government seriously consider re-opening all the gruel centres and open some more new centres since hundreds and thousands of people are starving for want of food? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" I do not accept what the hon. Member has said. Agricultural conditions have improved this year and we are awaiting the periodical reports. As and when there is necessity, we shall help and we are doing it."

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AN HON. MEMBER :—“ Are the Government aware that there is enormous delay in the payment of cost of firewood and cart hire and the gruel centres are forced to misappropriate the grains supplied to make payment in time? Will the Government, therefore, see that the cost of firewood and cart hire are paid immediately by the gruel centre manager when supplies are made? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ I have no idea of the length of time or delay involved in the payment. Gruel preparation has not been delayed any way. I shall, however, look into the matter.”

SRI T. NAGI REDDI :—“ The Minister was replying that conditions have become better this year. May I know whether he is aware of the fact that rains have been almost nil in those areas and crops have not been raised? The position has become still worse than last year. In view of these facts, will the Government immediately come forward with relief measures especially in respect of Anantapur district? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ We are always ready to meet any untoward agricultural conditions. We are doing our best in meeting distress. We are seized of the situation and we are periodically reviewing the situation.”

SRI T. LAKSHMINARAYANA REDDI :—“ It is really surprising to hear from the Revenue Minister that the situation is improving. I say it is not so. The Famine Commissioner refused to visit the rural areas which are really famine-stricken. I would request the Revenue Minister to visit the places and see how things are and how people there are denied relief. May I know whether some relief will be given to people in these parts? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ Certainly we will give relief if they deserve.”

SRI R. SIDDANNA GOWD :—“ What was the amount of rainfall this time last year and what was the rainfall this year? ”

MR. SPEAKER :—“ A separate question may be put.”

SRI C. SUBBARAYUDU :—“ May I know the contents of the latest report from the Collector of Anantapur with regard to seasonal conditions? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ I want notice.”

SRI S. VEMIAH :—“ I request a half-hour debate on this question because this is a very important question.”

MR. SPEAKER :—“ We have no time. We have only two more days and it is not possible to allow a half-hour debate. To-day we have already another debate on Mr. Nambiar's question. If there is time we shall take it up.”

[28th July 1953]

Hostels for Harijans.

* 1149 Q.—SRI S. VEMIAH : Will the Hon. the Minister for Education be pleased to state—

(a) the number of Boys' and Girls' Hostels for Harijans for which recognition has been accorded this year 1952-53; and

(b) whether the managers whose hostels have been recognized are Harijans by caste?

THE HON. DR. M. V. KRISHNA RAO :—“(a) Recognition was accorded during 1952-53 for 39 boys' hostels, 8 girls' hostels and 2 mixed hostels.

“(b) Twenty-one hostels are managed by Harijans, 26 by non-Harijans and 2 by District Boards.”

SRI M. NARAYANA KURUP :—“Have the Government issued any instructions that the strength of the hostels should not be increased beyond 25 per cent?”

THE HON. DR. M. V. KRISHNA RAO :—“A circular has been issued that without prior permission, the strength of the hostels should not be increased.”

9-10
a.m.

SRI M. NARAYANASAMI :—“Sir, in view of the large number of complaints received by the Government with regard to the managements of these hostels, have the Government any new policy of running these hostels?”

THE HON. DR. M. V. KRISHNA RAO :—“Sir, every complaint is looked into and as far as possible rectified immediately. The Government have also started hostels of their own in certain centres.”

SRI S. VEMIAH :—“Sir, may I know whether the Government are aware of the fact that most of the hostels which are in existence for over three years have not been recognised in spite of repeated representations?”

THE HON. DR. M. V. KRISHNA RAO :—“Sir, as many hostels as possible are being recognised every year.”

SRI K. VENKAIAH :—“Sir, may I know whether the complaints given by the students of their living in these hostels are considered by the Government and are steps taken to rectify the mistakes complained of?”

THE HON. DR. M. V. KRISHNA RAO :—“Yes, Sir.”

‘AN HON. MEMBER :—“మంత్రిగారు ఒంగోలు వచ్చివస్తుంటే మాజీ పార్లమెంటు సభ్యుడు శ్రీ కేశవ రావుగారు నడుపుతున్న హాస్టల్లోను గురించి వారికి కొన్ని మెమోరాండంలు, పిటిషన్లు ఇచ్చాము. వాటినిగురించి ఏమి చర్య తీసుకున్నారో చెప్పగలరా?”

THE HON. DR. M. V. KRISHNA RAO :—“Sir, I have caused an enquiry to be made and necessary action would be taken. The hon. Member may put a separate question, if necessary.”

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SRI M. JAGANNATHAN :—" Sir, in view of the fact that nobody comes forward to start a Harijan hostel at Tindivanam, will the Government make an advance subsidy for starting a hostel in that place? "

THE HON. DR. M. V. KRISHNA RAO :—" That cannot be done, Sir."

SRI R. S. ARUMUGAM :—" Sir, is it not a fact that the Director of Harijan Welfare suggested to the Government to open a Government Harijan hostel at Palayamkottai in Tirunelveli district and why has it not been opened? May I know whether it is to be opened? "

MR. SPEAKER :—" The hon. Member may put a separate question."

SRI B. K. NALLASWAMI :—" Sir, Government have ordered that the private-managed hostel at Coimbatore for college boys should be closed down and that no grant would be given to it. There was a proposal that the Government should start a Harijan hostel of their own. I want to know whether the Government have started a hostel at Coimbatore for Harijan-college boys? "

THE HON. DR. M. V. KRISHNA RAO :—" Sir, about the closing down of the particular hostel, etc., I require notice."

SRI S. DEIVASIGAMANY :—" In his reply, the Hon. Minister mentioned about the existence of 'mixed' hostels. Are there different blocks for girls and boys and if so, how many boys and how many girls are studying there? "

THE HON. DR. M. V. KRISHNA RAO :—" Sir, 'mixed' was used in the sense of Harijans and other classes."

SRI M. NARAYANA KURUP :—" Sir, the list of hostels furnished by the Government would go to show that the hostel facilities for Harijans are very unevenly spread over the State. Will the Government take this fact into consideration in giving further sanctions and allow priority to places where there are very little facilities? "

THE HON. DR. M. V. KRISHNA RAO :—" Sir, instructions were issued even in the beginning of last year that priority should be given to areas and districts where there were not adequate number of hostels."

SRI M. KALYANASUNDARAM :—" Sir, may I know the rate of subsidy given by the Government per boarder in these hostels and may I also know whether the relief given is only to Harijan students or is it another method of providing relief to political sufferers? "

THE HON. DR. M. V. KRISHNA RAO :—" Sir, the boarding grant is Rs. 15 per head in these hostels. As for the other question, I may say it is intended for Harijan boys only and for nobody else."

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SRI G. BAPANAYYA :—“ హరిజన హాస్టల్స్లో మే నీజర్లు హాస్టల్స్ను సరిగా నడుపుట లేదని అనేక కంప్లెంటులు మీ దగ్గరకు వచ్చాయి. వాటిని గురించి మీరు విచారించారా? ఈ హాస్టల్స్ ప్రస్తుతం వివిధంగా నిర్వహింపబడుతున్నాయో తెలుసుకునేందుకే ఒక Enquiry Committee ని నేనీ ఆ విషయం పరిశీలన చేయిస్తారా? ఈ హాస్టల్స్ను ఇకముందు క్రమత్వంవారే తీసుకొనునట్లు చేస్తారా? ”

THE HON. DR. M. V. KRISHNA RAO :—“ There is no need for any enquiry committee. Every complaint was looked into and the general state was also studied. But on account of the financial stringency, Government are not in a position to start more hostels this year.”

SRI V. BALAKRISHNAN :—“ Is it a fact, Sir, that most of the managements do not bring to account private contributions from individuals and bodies? ”

THE HON. DR. M. V. KRISHNA RAO :—“ We can only look into the available accounts. Where there is any mistake, it is immediately attended to.”

SRI M. KALYANASUNDARAM :—“ Sir, do Government think that the amount of Rs. 15 per head is sufficient for maintaining a school-boy at that age and will Government consider increasing that amount? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ This has nothing to do with the pupils' tuition fees. It is only for boarding and maintenance. The business is fairly well managed in spite of so many difficulties. Our country is poor, our people are poor. Make any arrangement and there are some people who want to make a business out of it and there is in fact great protest from the managers about the subsidy rates. Every little group of people offer themselves for exploiting. To-day, we are trying to do our best. There is some mismanagement here and there but we recognise it will be worse if we appoint an Enquiry Committee. We will have to manage things as best we can remembering that our people are poor and many people will try to make something out of managing even Harijan hostels. Still we are coping with the difficulties.”

SRI S. VEMIAH :—“ Sir, the Hon. Minister was pleased to tell us that there are two hostels maintained by the district boards. May I know what those districts are? Will Government consider the desirability of extending the establishment of these hostels by other district boards? ”

THE HON. DR. M. V. KRISHNA RAO :—“ Sir, I think it is in Kurnool that these district board hostels are. The suggestion is always there and it is for the District Boards to start hostels.”

SRI V. SRI KRISHNA :—“ Sir, in view of the importance of the subject, I request that a half-hour debate may be allowed.”

MR. SPEAKER :—“ To-morrow, if there is time.”

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Interest on value of foodgrains supplied to Producers'-cum-Consumers' Co-operative Societies in Malabar.

* 1150 Q.—SRI K. MADHAVAN NAMBIAR: Will the Hon. the Minister for Finance be pleased to state—

(a) whether Government are calculating interest on the amounts debited to the Producers'-cum-Consumers' Co-operative Societies being the value of foodgrains supplied to them;

(b) if so, at what rate; and

(c) whether there is any rule to claim interest from Government on the value of foodgrains supplied to Government by the Producers'-cum-Consumers' Co-operative Societies?

THE HON. SRI C. SUBRAMANIAM :—“(a) Yes.

“(b) Four per cent.

“(c) There is no question of claiming any interest from Government as no foodgrains are supplied to Government by the Producers'-cum-Consumers' Co-operative Societies involving their funds in any manner.”

Irrigation projects in Perambalur taluk.

* 1151 Q.—SRI M. PALANIMUTHU: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any irrigation project relating to Perambalur taluk, Tiruchirappalli district, is pending with the Government; and

(b) what action has been taken so far in respect of it?

THE HON. SRI N. RANGA REDDI :—“(a) & (b) Yes. The plans and estimates of the Chinnar Reservoir Scheme are under examination.”

House-sites for Harijans in Atmakur taluk, Nellore district.

* 1152 Q.—SRI G. C. KONDAYYA: Will the Hon. the Minister for Education be pleased to state—

(a) how much land for house-sites to Harijans in Atmakur taluk, Nellore district, was given within ten years;

(b) whether there are any petitions from Harijans from different villages in Atmakur taluk, Nellore district, pending with the Government; and if so, since when they have been pending; and

(c) what is the delay due to?

THE HON. DR. M. V. KRISHNA RAO :—“(a) Nil.

“(b) & (c) No petitions are pending with the Government. But it is reported that representations have been made by the hon. Member requesting for provision of house-sites for the

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Harijans of Vasili and Satanipalli villages of Atmakur taluk. Another case of acquisition in respect of Thatiparthi village is also pending with the Collector. The acquisition proceedings in the case of the first two villages are pending from December 1952 and November 1952 respectively, while in the case of the third village from August 1950. Land acquisition proceedings generally involve considerable delay because many preliminary enquiries have to be made before the proceedings are finalised."

Separation of the Judiciary from the Executive.

* 1153 Q.—SRI V. R. KRISHNA AYYAR: Will the Hon. the Minister for Law be pleased to state whether the Government have received any representation from the Madras Bar Federation regarding the Rajagopalan Committee's Report on the separation of the Executive from the Judiciary and what action has been taken in that behalf?

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"The Secretary of the Provincial Bar Federation has forwarded to Government a copy of the resolutions passed by its Executive Committee. These relate to the rules for recruitment to the magistracy. Before taking a final decision on this matter, Government will take into consideration the Bar Federation's opinions expressed in these resolutions."

Lift irrigation in Guntur district.

* 1154 Q.—SRI P. VENKATASIVIAH: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any representations were received by the Government from the public or a memorandum from the District authorities of Guntur that nearly 20 villages in Vinukonda taluk should be provided with facility of lift irrigation along both the banks of the Gundlakamma river if electricity is supplied for pump-sets;

(b) if so, what is the action the Government have taken or propose to take; and

(c) whether there is any scheme of extending electric supply to Vinukonda taluk and if so, when it will be executed?

THE HON. SRI N. RANGA REDDI:—" (a) No representations were received by the Government from the public or from the District authorities. A representation on the subject from the hon. Member has, however, been received by the District Collector, Guntur.

" (b) The matter can be investigated only when supply of electricity has been extended up to the Gundlakamma river.

" (c) Yes. The proposal is under examination by the Government Electricity Department."

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Alleged shifting of electric machinery, etc., of the Ex-Servicemen Co-operative Metal and Timber Works, Waltair.

* 1155 Q.—SRI M. VEERABHADRAM: Will the Hon. the Minister for Industries and Labour be pleased to state whether it is a fact that the Government have ordered the shifting of machinery such as electric transformer, etc., of the Ex-Servicemen Co-operative Metal and Timber Works, Limited, Kapparada, Waltair R.S., to a place in the southern districts; and if so, the reasons therefor?

THE HON. DR. U. KRISHNA RAO :—“ One electric transformer belonging to the Ex-Servicemen Co-operative Workshop at Kapparada, Visakhapatnam, for which they could find no use, and which they could not sell, was ordered to be transferred to the Ex-Servicemen Co-operative Workshop at Olavakode, Malabar district, subject to the condition that the value is paid for.”

Alleged complaint against a doctor of the Anantapur Government Headquarters Hospital.

* 1156 Q.—SRI T. LAKSHMINARAYANA REDDI: Will the Hon. the Minister for Health be pleased to state—

(a) whether there were any complaints of corruption against a doctor in the Government Headquarters Hospital, Anantapur, by Sri B. Gopalakrishna and other Municipal Councillors of Anantapur; and

(b) if so, what was the action taken?

THE HON. SRI A. B. SHETTY :—“ (a) The answer is in the affirmative.

“ (b) The matter is under investigation.”

Clerks in the Registration Department.

* 1157 Q.—SRI K. R. VISWANATHAN: Will the Hon. the Minister for Religious Endowments be pleased to state—

(a) the percentage of upper division clerks and the percentage of lower division clerks in the Registration Department;

(b) the percentage of both the categories in the Revenue and Public Works Departments; and

(c) the criterion for assessing the requirements of the posts of upper division clerks in these departments?

THE HON. SRI K. VENKATASWAMI NAIDU :—“ (a) The total number of clerks in the Registration Department is 2,135 of which 36 are in the upper division. The percentage of upper division and lower division posts are 1.69 and 98.31 respectively.

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“(b) Necessary up-to-date figures about the correct percentages are not readily available. It may, however, be stated that the number of upper division posts does not bear a fixed and uniform ratio to the number of lower division posts either in the Registration Department or in the Revenue or Public Works Department.

(c) The criterion for assessing the required number of upper division posts is the nature of the work that is to be done by clerks. If the duties of a clerk are mainly of a routine nature, the post will be in the lower division and if the clerk is to do noting and drafting and to deal with important subjects the post will be in the upper division.”

Anti-malarial operation in East Godavari.

* 1158 Q.—

MR. SPEAKER :—“ The hon. Member Sri Y. V. Krishna Rao is not in his seat. The question and answer will be printed in the proceedings.”

SRI Y. V. KRISHNA RAO : Will the Hon. the Minister for Health be pleased to state—

(a) whether anti-malarial operations have been started in Yellavaram taluk, East Godavari district, as promised in Letter No. 52211 E-2/52-1, Health, dated 12th November 1952; and

(b) whether any officers have been appointed for the purpose and if so, from what date and of which cadre?

THE HON. SRI A. B. SHETTY :—“ (a) Yes.

“(b) A Health Officer, Class I with necessary subordinate staff has been sanctioned. The Health Officer joined duty on 12th February 1953.”

Ten per cent cut in the salaries of High Court Judges.

* 1159 Q.—SRI V. R. KRISHNA AYYAR : Will the Hon. the Chief Minister be pleased to state whether the 10 per cent cut imposed by the Madras State Government was accepted voluntarily by the High Court Judges?

THE HON. SRI C. RAJAGOPALACHARI :—“ No, Sir. No attempt was made in view of previous experience. I may mention that there was previously a voluntary cut and they all withdrew afterwards. That is what I referred to as ‘previous experience’. Almost all the Judges in India did it.

“I may add the salaries of the High Court Judges have been fixed by the Constitution. Their pay cannot be ordered to be cut by the State Government. We have since withdrawn the orders imposing a temporary cut of 10 per cent on the pay of the State Officers, consequent on the Government of India's non-acceptance of this Government's suggestion for a similar cut in the pay of All-India Service Officers. So the question of voluntary cut for Judges cannot arise.”

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Zamindar's choultry at Turaiyur.

* 1160 Q.—SRI P. RANGASWAMI REDDIAR: Will the Hon. the Minister for Religious Endowments be pleased to state—

(a) whether it is a fact that the Zamindar's choultry at Turaiyur was ordered to be taken up by the district board in 1916;

(b) whether the said choultry is still under private management and not under district board; and

(c) if so, why?

THE HON. SRI K. VENKATASWAMI NAIDU :—“(a), (b) & (c) The choultry is under the private management of the Zamindar as hereditary trust. No records are available to show that it was ordered to be handed over to the District Board in 1916.”

Remission of revenue in West Godavari.

* 1161 Q.—SRI B. LAKSHMINARASA RAJU: Will the Hon. the Minister for Land Revenue be pleased to state the area of II Crop zone for the year 1950–51, 1951–52 and 1952–53 for West Godavari and what is the extent for which remissions were granted during those years?

THE HON. SRI M. A. MANICKAVELU NAICKER :—

Year.	Extent of II crop zone.	Area of II crop zone covered by the grant of remission.
	ACS.	ACS.
“ 1950–51 (fasli 1360)	178,255·00	6,982·70
1951–52 (fasli 1361)	182,793·00	10,215·49
1952–53 (fasli 1362)	167,728·00	41,348 74

The figure relating to the area covered by the grant of remission during the year 1952–53 given above is a provisional figure because the II crop jamabandi was not over by the time the figures were compiled.”

Mynampad Basic Training School, Ongole taluk.

* 1162 Q.—SRI M. NARAYANASWAMI: Will the Hon. the Minister for Education be pleased to state—

(a) the number of students studying in the Basic Training School, Mynampad of Ongole taluk;

(b) the subjects they are taught;

(c) the total amount spent on the school for the year 1952–53; and

(d) whether the Government have any proposal to convert this into a High School?

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THE HON. DR. M. V. KRISHNA RAO :—“(a) Ninety-nine.
“(b) The following subjects are taught in the school under Groups A and B :—

Group A (Practical subject).

1. Hygiene and Health including Physical Education.
2. Garden Agriculture and Kitchen work.
3. Spinning and Weaving.
4. Community training and cultural activities.

Group B (Theoretical).

1. Language and Literature (Regional Language).
2. Child study and Education (Psychology).
3. School Administration.
4. Principles of Basic Education.
5. Methods of teaching—
 - (a) Mathematics.
 - (b) Regional Language,
 - (c) Social Studies,
 - (d) English,
 - (e) General Science,
 - (f) Music,
 - (g) Physical Education.

“(c) The total amount spent on the school for the year 1952–53 is Rs. 42,653–15–6.

“(d) The answer is in the negative.”

Bridge across the Gomukhi, Kallakurichi taluk.

* 1163 Q.—SRI L. ANANDAN : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether there is any scheme to construct a bridge or causeway across the Gomukhi near Kachirayapalayam in Kallakurichi taluk; and

(b) if so, when it is proposed to be taken up for execution?

THE HON. SRI N. SANKARA REDDI :—“(a) There is no such approved scheme.

“(b) Does not arise.”

Sub-Registrar's office at Sendurai, Udaiyarpalayam taluk.

* 1164 Q.—SRI K. R. VISWANATHAN : Will the Hon. the Minister for Religious Endowments be pleased to state—

(a) whether the Government have received recently a petition from the public for the opening of a Sub-Registrar's office at Sendurai, Udaiyarpalayam taluk, Tiruchirappalli district; and

(b) the action taken thereon?

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THE HON. SRI K. VENKATASWAMI NAIDU :—“(a) Yes.

“(b) The Government have asked the Inspector-General of Registration to bring forward the proposal as a Part II Scheme for 1954-55.”

Kottapadi-Kundukadavu road in Ponnani taluk.

* 1165 Q.—SRI N. GOPALA MENON: Will the Hon. the Minister for Local Administration be pleased to state—

(a) when the construction of the Kottapadi-Kundukadavu road in Ponnani taluk is likely to be commenced; and

(b) whether the Government have considered the desirability of constructing a road connecting Chowghat with Ponnani by restoring the now disused Tippu Sultan Road?

THE HON. SRI N. SANKARA REDDI :—“(a) Tenders are being called for by the Divisional Engineer (Highways) Palghat, and the work will be taken up for execution shortly.

“(b) There is no proposal to form this road.”

Repairs to the tank at Tengullu village, Kalyandrug taluk.

* 1166 Q.—

MR. SPEAKER :—“The hon. Member, Sri S. Narayanappa, is not in his place. The question and answer will be printed in the proceedings.”

SRI S. NARAYANAPPA: Will the Hon. the Minister for Public Works be pleased to state—

9-20
a.m.

(a) whether any representation was received from the public of Tengullu village in Kalyandrug taluk (Anantapur district) about the repairs to the breached tank in that village; and

(b) if so, what action the Government have taken, and when the work will be executed?

THE HON. SRI N. RANGA REDDI :—“(a) Yes.

“(b) The proposal for the restoration of the tank was deferred.”

Utilization of the cess levied on mill cloth.

* 1167 Q.—

MR. SPEAKER :—“The hon. Member, Sri Pragada Kotaiah, is not in his place. The question and answer will be printed in the proceedings.”

SRI PRAGADA KOTAIAH: Will the Hon. the Minister for Industries and Labour be pleased to state the recommendations of the State Government made to the Government of India for the utilization of the cess levied on mill cloth proposed to be made available for the development of the Handloom Industry in the State?

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THE HON. DR. U. KRISHNA RAO :—" The Government consider that it will not be in public interest to disclose the information at this stage."

Health safeguards in Nellore town.

* 1168 Q.—SRI K. KRISHNA RAO: Will the Hon. the Minister for Health be pleased to state what steps have the Government taken to combat high mortality rates and ensure proper sanitary drainage and public health safeguards in Nellore town?

THE HON. SRI A. B. SHETTY :—" Nellore Town has got good facilities for medical aid. It has got four hospitals, a Maternity and Child Welfare Centre with prospects of another centre in the near future and a few Nursing Homes run by Private Medical Practitioners. The high mortality rate in Nellore Town is largely attributable to the rural population from the surrounding parts coming in numbers to the town for medical aid and that too in the late stages of the conditions requiring aid with attendant complications and the deaths among them being recorded in the municipality. If this is excluded, the mortality rate in Nellore town cannot be considered high.

" The existing water-supply scheme is about to be extended to certain new extensions in the town. The municipality is taking steps for providing a system of surface drains to draw off certain badly provided areas in the town."

Housing of Harijans in the City.

* 1169 Q.—SRI A. RATHINAM: Will the Hon. the Minister for Education be pleased to state what are the plans of the Government for housing the Harijans in the City?

THE HON. DR. M. V. KRISHNA RAO :—" In the matter of provision of house-sites to the Harijans in Madras City it has been the policy of the Government—

- (i) to grant the sites in the lands which are at the disposal of the Government free of cost; and
- (ii) to acquire private lands through co-operative societies formed by the Harijans themselves when the Harijans meet the cost of acquisition.

" Under item (i) above there are as many as 22 colonies where sites which were at the disposal of the Government have been assigned to Harijans free of cost. In these colonies Government have also provided the necessary sanitary amenities such as roads, drains, latrines, street lighting, etc.

" Under item (ii) above three colonies have so far been formed through co-operative societies.

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“ The Government have not, however, been able to do much to help the Harijans to construct houses on the sites allotted to them due to the paucity of funds. In four colonies in Madras City the Government themselves have constructed houses which are let out to Harijans.”

Compounding of forest offences.

* 1170 Q.—SRI K. KRISHNA RAO : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether it is a part of the executive instructions to the forest officials empowered to compound offences under the Madras Forest Act, that a certain percentage of cases should be investigated by certain category of officers, and if so, what are the percentages so fixed as an irreducible minimum to different categories of officers; and

(b) what steps the Government have taken to enforce observance by their officers of Government orders regarding the minimum percentages?

THE HON. DR. R. NAGAN GOUDA :—“(a) According to the executive instructions issued by the Chief Conservator of Forests, 35 per cent of the cases have to be investigated by the Rangers and 5 per cent by the District Forest Officers.

“(b) The Conservators of Forests watch the result through the monthly returns of forest offences obtained from the District Forest Officers. The position is also reviewed in the Annual Administration Report of the Forest department.”

Wynaad Colonization Scheme.

* 1171 Q.—SRI M. NARAYANA KURUP : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the amount of money spent on Wynaad Colonization Scheme up to 31st March 1953 since the scheme was started;

(b) of the moneys spent, how much was expended under the following heads :—

- (1) Salary of officials;
- (2) Buildings;
- (3) Roads and Communications;
- (4) Grant to Colonists; and
- (5) Loan to Colonists.

THE HON. SRI M. A. MANICKAVELU NAICKER :—

“(a) Rupees 75,70,384-6-7.

“(b) (1) Salary of officials—Rs. 16,34,056-9-5.

(2) & (3) Buildings, Roads and Communications—Rupees 11,19,354-7-0.

(4) Grant to Colonists—Rs. 28,25,745-9-6.

(5) Loan to Colonists—Rs. 5,17,991-4-0.”

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Combining the posts of Wardenship of the Victoria Hostel and the Principalship of the Presidency College.

* 1172 Q.—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Education be pleased to state—

(a) whether a further extension for the second time has been granted to the Principal of the Presidency College, Madras;

(b) if so, whether he continues to combine the Wardenship of the Victoria Hostel and Principalship of the College;

(c) if so, from what period;

(d) whether such combined functions have been allowed to any of his predecessors; and

(e) if the answer to (d) is in the negative, the reasons for such combination and continuation?

THE HON. DR. M. V. KRISHNA RAO:—“(a) Sri V. K. Ayyappan Pillai, former Principal, Presidency College, was granted *re-employment* (and not extension of service) for a period of two months from 2nd April 1953, in the post of Principal. He has since retired from service.

“(b) to (e) Do not arise.”

Police camp at Mynampad, Ongole taluk.

* 1173 Q.—SRI M. NARAYANASWAMI: Will the Hon. the Minister for Finance be pleased to state—

(a) for how long a police camp was stationed at Mynampad of Ongole taluk, Guntur district, in the year 1950; and

(b) whether there were any complaints against the Police alleging beating innocent people and making forcible collections?

THE HON. SRI C. SUBRAMANIAM:—“(a) A few armed men were stationed at Mynampad from 12th September 1950 to 18th May 1951 with the object of creating a sense of security and for maintaining law and order.

“(b) No, Sir.”

Questionnaire of the Cotton Textile Enquiry Committee.

* 1174 Q.—

MR. SPEAKER:—“The hon. Member, Sri Pragada Kotaiah, is not in his place. The question and answer will be printed in the proceedings.”

SRI PRAGADA KOTAIAH: Will the Hon. the Minister for Industries and Labour be pleased to place on the table of the House the answers given by this Government to the questionnaire issued by the Cotton Textile Enquiry Committee appointed by the Government of India?

THE HON. DR. U. KRISHNA RAO:—“It will not be in the public interest and will be against the accepted procedure to give premature publicity to the replies given by this Government to the questionnaire issued by the Committee.”

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Anicut across the Nagavalli at Panasanandivada.

* 1175 Q.—SRI P. PUNDARIKAKSHACHARYULU: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Superintending Engineer, Dowlaishwaram, has ordered the investigation of a proposal to construct an anicut or regulator across Nagavalli at Panasanandivada;

(b) whether the investigation is finished and when the scheme will be implemented; and

(c) what is the probable acreage that will be brought under cultivation under the above scheme under (1) old channel wet, (2) tank wet, and (3) dry lands?

THE HON. SRI N. RANGA REDDI:—“(a) No.

“(b) & (c) Do not arise.”

MR. SPEAKER:—“It is now 9-30 a.m. I will allow ten minutes or more for the Hon. Ministers to answer the remaining questions.”

Lock-out in the factories in Madras City.

* 1176 Q.—

SRI A. RATHINAM: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) how many factories were on lock-out in the City of Madras and its suburbs during the months of March and April 1953;

(b) the total number of labourers affected in each factory; and

(c) the measures of relief caused by the Government and the actions taken on the managements to redress the grievances of the labourers?

THE HON. DR. U. KRISHNA RAO:—“(a) Four factories were locked out during March and April 1953.

	Number of workers.
“(b) Swami Oil Mills	29
Madras Electric Tramways	1,650
Ashok Motors, Limited	234
Photo Litho Press	52

“(c) In respect of Swami Oil Mills, Madras Electric Tramways, Limited, and Ashok Motors, Limited, the question of relief to the workers affected has been referred for adjudication. As regards the last concern, the matter is under consideration.”

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Disciplinary enquiries against Government officials.

* 1177 Q.—SRI V. CHIDANANDAM: Will the Hon. the Chief Minister be pleased to state—

(a) whether disciplinary enquiries even against officers in the mufassal are conducted by the Tribunal at Madras and why they are not entrusted to the Collector or some other suitable authority in the district itself; and

(b) whether the Government have considered the question of saving which can be effected by enquiry by local officers?

THE HON. SRI C. RAJAGOPALACHARI :—“(a) & (b) Experience has shown that it would be more just and expedient to entrust the enquiries to a quasi-judicial body. It does not necessarily conduct all its enquiries against officers at Madras but it sits at such places as it may determine with due regard to the convenience of the parties concerned and expenses involved. Collectors and other District Officers who could be thought of have no time to spare for conducting these enquiries which are in almost all cases long-drawn and cannot be expedited beyond a certain measure, without giving room to a feeling that justice has not been done to the delinquent officials. It may also be remembered that quite a large number of departmental enquiries deal with a number of cases other than those that go to the Tribunal.”

Government Soap Factory, Kozhikode.

* 1178 Q.—SRI P. KUNHIRAMA KIDAV: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether it is a fact that lot of stocks are accumulated in the Government Soap Factory, Kozhikode; if so, what steps the Government have taken to dispose it off; and

(b) the total number of workmen and staff employed in the Factory in 1944 and at present?

THE HON. DR. U. KRISHNA RAO :—“(a) No, Sir.

“(b) The total number of workmen and staff employed in the Factory during the year 1944 and at present are—

		In 1944.	At present.
Gazetted Officers		2	1
Non-Gazetted Officers		48	30
Workers		132	65
Total		182	96 ”

Conference of Police Officers of the Coastal Andhra districts.

* 1179 Q.—SRI K. KRISHNA RAO: Will the Hon. the Minister for Finance be pleased to state with reference to answer to question No. 212 given on 25th July 1952 whether there was a

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conference of Police chiefs of coastal Andhra districts held after the Eluru Conference and before the date when firings took place in Nellore and a few Andhra towns in December 1952; and if so, whether it is a fact that the plan about Police firings was discussed and decided at that conference?

THE HON. SRI C. SUBRAMANIAM :—“ A Conference of the District Superintendents of Police of the Northern Range presided over by the Deputy Inspector-General of that Range, was held at Vijayavada on 7th November 1952. No plan about Police firings was discussed at that conference. It was only a routine annual conference, in no way peculiar to the Coastal Andhra districts. Such Range conferences are convened annually by the respective Deputy Inspectors-General to discuss administrative and crime matters and to exchange views.”

Vemuladevi Project, Narasapuram taluk, West Godavari.

* 1180 Q.—SRI B. LAKSHMINARASA RAJU: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have completed the Vemuladevi Project in Narasapuram taluk, West Godavari district;

(b) what is the total ayacut contemplated under the scheme; and

(c) what is the present ayacut now under cultivation?

THE HON. SRI N. RANGA REDDI :—“ (a) Yes.

“ (b) 598.61 acres.

“ (c) 11.08 acres.”

Irrigation works in Visakhapatnam and Srikakulam.

* 1181 Q.—SRI K. GOVINDA RAO: Will the Hon. the Minister for Public Works be pleased to state with reference to the Visakhapatnam and Srikakulam districts—

(a) the number of irrigation works completed;

(b) the number of works under execution; and

(c) the number of schemes awaiting sanction by the Food Production Department in 1952-53?

THE HON. SRI N. RANGA REDDI :—“ (a) 63.

“ (b) 172.

“ (c) 62.”

Alleged starvation death in Pamarru, Gudivada taluk.

* 1182 Q.—SRI G. RAMA RAO: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether it is a fact that there was a death due to starvation in Pamarru of Gudivada taluk on 3rd March 1953; and

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(b) what were the findings of the panchayatdars in respect of the death on 3rd March 1953 and what was the Police report?

THE HON. SRI M. A. MANICKAVELU NAICKER:—

“(a) & (b) The M.L.A. apparently refers to the dead body of an unknown person which was found in Pamarru village on 1st February 1953. The Village Munsif reported the fact to the Police. Thereupon the Police made the necessary enquiries and held an inquest. The panchayatdars could not come to a decision as to the cause of the death. From the enquiries made by the Police it transpired that the deceased was a demented beggar whose death was due to lack of proper nourishment.

“Pamarru is a rich deltaic village of the Gudivada taluk and paddy is the main crop in this area. There is no scarcity of food in this village and in the other deltaic villages of the Krishna district. The death occurred on 1st February 1953 and not on 3rd March 1953. It is possible that due to dementia the person was not taking proper food and thereby died.”

Cyclone relief in Tanjore and Tiruchirappalli.

* 1183 Q.—SRI M. KALYANASUNDARAM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether any request for financial aid was made by the State Government to the Union Government for giving relief to the cyclone-affected districts of Tanjore and Tiruchirappalli; and

(b) if so, the amount granted by the Union Government for this purpose?

THE HON. SRI M. A. MANICKAVELU NAICKER:—

“(a) No.

“(b) Does not arise.”

Local Bodies Finance Enquiry Committee.

* 1184 Q.—SRI K. KRISHNA RAO: Will the Hon. the Minister for Local Administration be pleased to state—

(a) when the Local Bodies Finance Enquiry Committee was appointed; its terms of reference and the names of its members;

(b) whether the report of the Committee has been sent to the Government;

(c) if so, what the recommendations of the Committee are, and the action taken thereon; and

(d) whether the Government will place a copy of the report on the table of the House?

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THE HON. SRI N. SANKARA REDDI:—“(a) The Local Finance Enquiry Committee composing of the following persons was constituted by the Government of India in 1949—

Chairman :

Shri P. K. Wattal (Retired Accountant-General).

Members :

- (1) Shri R. K. Sidhwa, Member, Constituent Assembly of India, New Delhi.
- (2) Shri C. D. Barfivala, Director, Local Self-Government Institute, Bombay.
- (3) Shri Rameshwar Narain Agarwala, Chairman, Bhagalpur Municipality, United Press Buildings, Bhagalpur City (Bihar).
- (4) Shri T. K. T. Veeraraghavachariar, Retired District Board Engineer, Gandhi Road, Chittoor (Madras). (On his resignation Shri K. A. Nachiappa Gounder, M.L.A., was appointed.)
- (5) Shri P. B. Gole, President, Akola Municipality, Akola (Central Provinces and Berar).
- (6) Shri R. D. Kapila, Secretary, Local Self-Government Reforms Committee, East Punjab, Kennedy House, Simla.
- (7) Shri L. T. Gholap, I.C.S., Secretary to the Government of Bombay, Health and Local Self-Government Department, Bombay. (On his appointment as Chairman, Bombay Port Trust, Shri B. D. Mirchandani, I.C.S., Secretary to Government of Bombay, Health and Local Self-Government Department, was appointed.)
- (8) Shri M. B. L. Dar, Secretary to the Government of the United Provinces, Health and Local Self-Government Department, Lucknow.
- (9) Shri S. K. Gupta, I.C.S., Secretary to the Government of West Bengal, Local Self-Government Department.
- (10) Shri S. N. Sapru, Chairman, Delhi Improvement Trust.

The terms of reference of the Committee were as follows :—

To enquire into the question of the finances of local bodies and to make recommendations for the improvement of local finance and for that purpose—

- (1) to examine whether the existing resources are adequate for the performance of the functions assigned to the local bodies and to consider whether and, if so, what further sources of revenue should be provided;
- (2) to examine the methods of Government assistance to local bodies;
- (3) to examine the existing machinery and methods of
 - (i) assessment and (ii) collection of taxes.

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“(b) Yes.

“(c) A summary of the recommendations of the Committee is given on pages 487-502 of its Report. Necessary action has been taken by this Government on the various recommendations.

“(d) The Committee's Report is a priced publication of the Government of India costing Rs. 4-2-0. A copy of the report is placed in the Library of the Madras Legislature for reference by Members.”

Road-cum-Regulator bridge over the Krishna.

* 1185 Q.—SRI M. LAKSHMANASWAMY: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the State Government have sent detailed estimates and proposals to the Central Government about the Regulator-cum-Road bridge on Krishna river;

(b) if so, the date on which the estimates were sent; and

(c) if not, the reasons for the delay?

THE HON. SRI N. RANGA REDDI:—“(a) & (b) The proposals were sent to the Central Government on 21st March 1953. Detailed estimates are prepared only after administrative approval to a scheme has been accorded.”

“(c) Does not arise.”

Irrigation from Komarapalayam channel in Karasapalayam, Namakkal taluk.

* 1186 Q.—SRI K. V. RAMASWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have received any representation from the ryots of Karasapalayam in Namakkal taluk, Salem district, regarding the water-supply from Komarapalayam channel to irrigate their lands; and

(b) if so, what action has been taken thereon?

THE HON. SRI N. RANGA REDDI:—“(a) Yes.

“(b) The matter is under examination.”

Cyclone relief in Tanjore and Tiruchirappalli.

* 1187 Q.—SRI M. KALYANASUNDARAM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether any Relief Committee was constituted by the Governor of Madras in connexion with cyclone in Tanjore and Tiruchirappalli;

(b) the total amount collected by this Committee; and

(c) the amount assigned to each of the two districts?

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THE HON. SRI M. A. MANICKAVELU NAICKER :—“(a) Yes.

“(b) The total amount collected up to 15th June 1953 was Rs. 7,20,932-6-6.

“(c) The amounts allotted to the two districts are as follows :—

	RS.
Tanjore	6,20,000
Tiruchirappalli	77,000 ”

Siddiraju tank, Atmakur taluk, Nellore district.

* 1188 Q.—**SRI G. C. KONDAYYA :** Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government are aware of the fact that a new tank by name Siddiraju tank in Navoal, Atmakur taluk, is proposed and estimates are over;

(b) if so, what is the reason for the delay in the execution of the work; and

(c) whether it is proposed to start this tank work this year?

THE HON. SRI N. RANGA REDDI :—“(a) Yes.

“(b) The work has not yet been sanctioned by the Government.

“(c) The question of sanctioning the execution of the work will be considered under the Special Minor Irrigation Programme for 1953-54.”

Size of shutters in the Tungabhadra dam.

* 1189 Q.—**SRI C. SUBBARAYUDU :** Will the Hon. the Minister for Public Works be pleased to state—

(a) what is the size of the shutters fixed or about to be fixed on the spillway dam of Tungabhadra Project and its cost;

(b) what is the F.R.L. that can be achieved by the above-sized shutters and the capacity of the reservoir;

(c) what is the maximum F.R.L. provided in the design of the dam, the size of the shutters to the maximum F.R.L. and its cost;

(d) what is the capacity of the reservoir at the maximum F.R.L. provided in the design; and

(e) whether there is any proposal to raise the F.R.L. to the maximum extent now itself?

THE HON. SRI N. RANGA REDDI :—“(a) The size of the shutters is 60' x 20' and its cost is about Rs. 1.52 lakhs each.

“(b) An F.R.L. of plus 1,633.00 with a capacity of 132,659 m.c.ft.

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“(c) The maximum F.R.L. provided in the design of the dam is plus 1,633 feet up to which the level may go during floods. The size of the shutters suitable for this F.R.L. and their costs are the same as those given in answer to clause (a).

“(d) 132,659 m.c.ft.

“(e) There is no such proposal.”

Danger from floods in Mussi river in Ongole taluk.

* 1190 Q.—SRI M. NARAYANASWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any petition was received by the Government from the inhabitants of Karumanchi, Ongole taluk, regarding the dangerous course of river ‘Mussi’ threatening the village with floods; and

(b) if so, what action has been taken thereon?

THE HON. SRI N. RANGA REDDI :—“(a) The answer is in the affirmative.

“(b) The matter is under consideration.”

Rajulakonda Scheme on the Tungabhadra river.

* 1191 Q.—SRI C. SUBBARAYUDU: Will the Hon. the Minister for Public Works be pleased to state—

(a) what are the details of Rajulakonda Scheme on the Tungabhadra River;

(b) what is the present estimated cost of the above scheme;

(c) whether it is a joint agreed plan of Hyderabad and Madras States; and

(d) if so, what is the agreement or understanding regarding the above scheme?

THE HON. SRI N. RANGA REDDI :—“(a) There is no scheme by name Rajulakonda Scheme on the Tungabhadra river. An anicut is however being constructed by the Hyderabad Government at Rajalabunda across the river to irrigate certain areas in their territory. The details of the scheme are not available.

“(b) The information is not available.

“(c) No.

“(d) Does not arise in view of the answer to clause (c).”

Electric supply in Parli Panchayat area, South Malabar.

* 1192 Q.—SRI M. NARAYANA KURUP: Will the Hon. the Minister for Public Works be pleased to state—

(a) how long the request of Parli Panchayat Board, South Malabar, for supply of electricity has been pending and the reasons for the delay; and

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(b) who are all supplied with electricity in Parli Panchayat area and since when?

THE HON. SRI N. RANGA REDDI :—“(a) The Panchayat Board, Parli, requested extension of supply to the Parli Panchayat area in 1946, but remunerative loads were forthcoming only by 1949 and even the scheme for extension of supply sanctioned in the latter part of that year had to be revised as some prospective consumers backed out. The supply was actually made in November 1951. The request of the Panchayat for supply for street lighting made in April 1952 was sanctioned after examination in March 1953

“(b) A number of consumers who had applied for power. From January 1952 onwards.”

Orders regarding grant of land to political sufferers.

* 1193 Q.—SRI VAVILALA GOPALAKRISHNAIAH: Will the Hon. the Minister for Land Revenue be pleased to place on the table of the House G.O. No. 615, Revenue, dated 28th February 1953, and any further orders passed with regard to granting lands to political sufferers?

THE HON. SRI M. A. MANICKAVELU NAICKER :—“The Government do not consider it necessary to place on the table of the House G.O. No. 615, Revenue, dated 28th February 1953 which explains the legal position in respect of the various stages in the assignment of land and is intended for the guidance of the subordinates only. The Member however is referred to the Government Press Note No. 79, Public Works (Information and Publicity), dated 2nd June 1953. which clarifies the orders relating to the assignment of land to the political sufferers.”

Relief works in Badvel taluk, Cuddapah district.

* 1194 Q.—SRI V. CHIDANANDAM: Will the Hon. the Minister for Land Revenue be pleased to state—

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a.m.

(a) whether it is a fact that no relief work was provided either in the whole of Kalasapad Revenue firka or to the north of Munnelli in Munnelli firka in Badvel taluk in Cuddapah district by way of laying roads; and

(b) if so, what was the reason for neglecting that area?

THE HON. SRI M. A. MANICKAVELU NAICKER :—“(a) No. Three road works have been sanctioned to serve the areas mentioned in the question. In addition, three road works are also in progress in Kalasapad and north of Munnelli Firka of Badvel taluk.

“(b) Does not arise.”

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Levy of taxes in Rameswaram island.

* 1195 Q.—SRI M. KALYANASUNDARAM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) what taxes are collected in respect of trees, plants and waste-lands in the island of Rameswaram;

(b) under what provisions of law these taxes are collected;

(c) whether any representations from the people of Rameswaram have been received by the Government requesting the cancellation of these taxes; and

(d) what action the Government propose to take?

THE HON. SRI M. A. MANICKAVELU NAICKER:—“(a) Prior to the taking over of the island villages by the Government under the Abolition Act, the estate authorities were not collecting any rent if there were no trees and no cultivation, and were collecting tree tax at certain prescribed rates on the lands containing trees. After the taking over, the Government are continuing the same practice.

“(b) Section 23 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948.

“(c) Yes.

“(d) Under examination.”

Construction of a tank in Itukulapad, Badvel taluk.

* 1196 Q.—SRI V. CHIDANANDAM: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether investigation was completed and plans and estimate prepared finally for forming a new tank for the village of Itukulapad in Badvel taluk of Cuddapah;

(b) if so, whether the Government have sanctioned the scheme;

(c) if not, why not; and

(d) what is the estimate amount and the proposed ayacut that would come under the same?

THE HON. SRI N. RANGA REDDI:—“(a) Yes.

“(b) & (c) The scheme was not sanctioned as it would affect supplies to two tanks (Amagampalli tank and Yellareddicheruvu) lower down, which were already not receiving enough supplies to irrigate their ayacut.

“(d) It was estimated in 1946 to cost Rs. 1.50,000 for works only and bring under irrigation an extent of 90 acres first crop and 30 acres second crop.”

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Dam across Sendurai odai and supply channel to Kulumur tank in Udayarpalayam.

* 1197 Q.—SRI K. R. VISWANATHAN : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any detailed estimate for the construction of a masonry dam across Sendurai odai and for excavation of supply-channel to Kulumur tank in Udayarpalayam taluk was prepared; and

(b) if so, when the Government are likely to complete the work?

THE HON. SRI N. RANGA REDDI :—“(a) No. The scheme is now under detailed investigation and plans and estimate are under preparation.

“(b) Does not arise.”

Assignment of tank-bed lands of Thadikonda village, Guntur district.

* 1198 Q.—SRI V. SRI KRISHNA : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether it is a fact that nearly 145 acres were granted to ex-servicemen in the tank-bed lands of Thadikonda village, Guntur district from the year 1917 to the year 1935;

(b) whether it is a fact that the Revenue Divisional Officer and the Tahsildar had given permission to the local landless poor to cultivate another 250 acres of the same tank-bed lands under Grow More Food Scheme for faslis 1352 to 1356;

(c) whether it is a fact that the occupants continued to cultivate the land until fasli 1360 and paid Single Block Rate;

(d) whether it is a fact that the Collector allowed the appeal filed by the occupants on 6th November 1951 against the eviction orders of the Revenue Divisional Officer; and

(e) (i) whether the Government have received petitions for assignments subsequently; and

(ii) if so, the action taken by the Government?

THE HON. SRI M. A. MANICKAVELU NAICKER :—“(a) About 130 acres were assigned in 1917 to ex-servicemen and another 15 acres to the local police people in 1935.

“(b) Yes, Sir, about 230 acres.

“(c) Yes, Sir.

“(d) The Collector allowed the appeal in respect of occupation in 60 acres of land which was found to be above the Full Tank Level.

“(e) (i) No, Sir.

(ii) Does not arise.”

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[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ADJOURNMENT MOTIONS

(1) TRADE DISPUTE IN SIMPSON GROUP OF INDUSTRIES.

MR. SPEAKER :—“ The hon. Member Sri M. Kalyanasundaram has given notice of an adjournment motion which reads as follows :—

‘ That the business of this House be adjourned for discussing an urgent matter of public importance, viz., the failure of the Government to intervene in the trade dispute between the workers and the management of the Simpson Group of Industries which has led to a strike of about 5,000 workers in the City of Madras.’

He has also given notice of a short notice question and I have admitted it. Let me hear Mr. Kalyanasundaram.”

SRI M. KALYANASUNDARAM :—“ Sir, we are not aware of the steps taken by the Government to settle the dispute. My object in giving notice of an adjournment motion and also a short notice question is only to strengthen the hands of the Government to bring the management to its senses instead of aiding its obstinacy by providing police bandobust. If the Hon. Minister for Labour agrees to answer the short notice question, I am prepared to withdraw the adjournment motion.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, I think the hon. Member may be persuaded to withdraw, if I state the actual state of affairs. There was a sudden strike. At the same time, we were enquiring into the situation and we had decided to refer the matter for adjudication. The delay is only due to a large number of issues having to be examined, analysed and put before the adjudicator and also the selection of a suitable officer to serve as an adjudication tribunal. It is only these things that are delaying and the decision to refer the matter for adjudication has already been arrived at. Meanwhile, I hope that the men will go back to work and that there will be peace. I think that instead of helping, it will hinder it if we discuss a matter of this kind on an adjournment motion. Let the adjudication go on, let the men go back to work and let us do our best to achieve this end without too long an interval and too much of a discussion to spoil the atmosphere. I beg of Mr. Kalyanasundaram in this one instance to withdraw the motion and leave us free to carry on. If necessary, he can agitate afterwards.”

SRI M. KALYANASUNDARAM :—“ In view of the assurance given by the Hon. Chief Minister, I do not press the adjournment motion. But I request you to admit the short notice question.”

MR. SPEAKER :—“ I have already admitted it.”

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(2) REINSTATEMENT OF WORKERS OF THIRUVANNOOR COTTON MILL, LTD., KALLAI.

MR. SPEAKER:—"The hon. Member Sri K. P. Gopalan has given notice of an adjournment motion which reads as follows:—

'This Assembly stands adjourned to discuss an urgent matter of public importance, namely, the satyagraha by workers before the Thiruvannoor Cotton Mill, Limited, Kallai, South Malabar, for reinstatement in the mill and the failure of the Government to take necessary steps in the matter.'

I do not know how this matter can form the subject of an adjournment motion. The hon. Member seems to think that as soon as there is a strike, the matter should come up before this House on an adjournment motion! I must tell the House that it is clearly out of order as this is not a matter for which the Government are responsible."

III.—GOVERNMENT BILLS.

(1) THE MADRAS ENTERTAINMENTS TAX (AMENDMENT) BILL, 1953.

* THE HON. SRI S. B. P. PATTABHI RAMA RAO:—"Mr. Speaker, Sir, I beg to introduce the Madras Entertainments Tax (Amendment) Bill^a, 1953, and move—

'That the Bill be taken into consideration at once.'

"The Madras Entertainments Tax (Amendment) Act, 1949 (Madras Act XVII of 1949), was brought into force on the 1st August 1949. Under section 1 (3) of that Act as amended by the Madras Entertainments Tax (Amendment) Act, 1950 (Madras Act XIII of 1950), the Act ceases to be in force from the 31st July 1953. We have brought forward this Amending Bill to extend the Act for a further period of three years up to and inclusive of the 31st July 1956.

"A show tax is being levied on the exhibitions of films held in Madras City at Rs. 2-8-0 for every show, on exhibitions held in municipalities notified in this behalf by the State Government at Rs. 2 for every show, and on exhibitions held in other municipalities at Rs. 1-8-0 for every show. For exhibitions held elsewhere other than those held with the cinematograph apparatus and plant moved from place to place, otherwise called touring cinemas, either in panchayat areas with a population of less than 10,000 at the last census or in non-panchayat areas, the tax levied is Re. 1 for every show.

"The question of continuing the levy of this tax for a further period of three years was examined in consultation with the Board of Revenue. The hon. Members of this House are well aware that the financial position of the Madras State is not very rosy. Considering the fall in revenue from commercial taxes, the State cannot afford to lose the fairly large income derived from this tax. Since the State is going to be partitioned shortly, we thought that the continuance of this Act for a further period of three years will

^a Published in the Fort St. George Gazette, dated 1st July 1953.

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do for the present, so that later on the Governments of the Andhra and the Residuary States might be left free to examine the position and make any changes that they may desire.

9-50 a.m. " Before I sit down, Sir, I would like to mention that the hon. Member Sri K. Krishna Rao from Nellore has asked for some information regarding this Bill. As there was no time to collect the material, print and place it on the table of the House, I wish to give it in this House. The first point that he wanted to know is the number of entertainments year-war from 1949. I am sorry the information regarding the number of entertainments on which this additional tax was imposed under section 4 (a) of the Madras Entertainments Tax (Amendment) Act, 1949 (Madras Act XVII of 1949), is not available at present. It takes considerable time and labour to gather the statistics and I am sorry I could not do it within this short time. The second point that he wanted to know is the income derived year-war from 1949. I give the following figures for the information of the House:—

	RS.
1949-1950 (1st August 1949 to 31st March 1950)—Income collected.	3,99,394
1950-1951 for the full year—Income collected.	6,38,540
1951-1952 Do. Do.	6,84,939
1952-1953 Do. Do.	6,86,103

I now request the House to take the Bill into consideration."

MR. SPEAKER:—"The motion before the House is—

'That the Madras Entertainments Tax (Amendment) Bill, 1953, be taken into consideration at once.'"

* SRI K. KRISHNA RAO:—"Mr. Speaker, Sir, I move—

'That the Madras Entertainments Tax (Amendment) Bill, 1953, be referred to a Select Committee.'

Sir, this Bill is designed to charge not so much the persons who go and see the entertainments, but the proprietors who actually show the entertainments. I think it was in 1949 that the then Finance Minister actually moved this Bill and while moving he gave some reasons as to what prompted the Government of the day to increase the entertainment tax. He said that at that time the Government were engaged in a number of works which they were doing on behalf of the Planning Commission, that they were running short of funds and that was why they were trying to reimburse their revenues by this tax. The very reason why the Assembly at that time gave only one year was proof that they were under the impression that this would last only for a year and that they would be able to have a surplus budget thereafter. But the position was that they actually did so many things with the result they could not balance the budget in the subsequent years also. This shows that the Government originally wanted to have it only for one year and they were banking upon hopes that they would be able to set their House in order so far as the finances of the State were concerned.

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Now, the fact that the Government have not been able to do this is amply confirmed by the fact that they are coming out for renewal. We are entitled to know the actual position, why from 1949 to this date not merely have they not been able to complete the various works which they have planned to do, but they have been running into deficit year after year? We want to investigate into the whole matter and that can be done only by a Select Committee. I want to see whether by this tax we have been encouraging entertainments and the effect it had upon the cinemas and many other shows which are supposed to be taxed or whether it had a restrictive effect upon the entertainments or whether it had any other effect. That can be understood only if a Select Committee actually goes into this Bill in detail, not merely to know how it worked, but what difficulties arose in practice from 1949 to this date. If we are all at all to extend it, we will have to take the experiences gained in the working of the Bill all these years. If any amendments or modifications are needed, if either the taxes are to be enhanced or reduced, all these can be considered only in the light of the working and the experiences we had in these four years. Only a Select Committee will be able to calmly go into the whole matter and say that the measure is in accord with the times. Therefore, I say that this Bill should be referred to a Select Committee."

SRI VAVILALA GOPALAKRISHNAIAH :—" I second the amendment moved by my hon. Friend Mr. Krishna Rao."

* THE HON. SRI S. B. P. PATTABHI RAMA RAO :—" Mr. Speaker, I am grateful to the hon. Member Mr. Krishna Rao for the suggestions he made. As regards the examination of the Bill thoroughly and also for increasing or decreasing the tax, I submit that we need not have a Select Committee. I have actually borne in mind, when I moved this Bill, all the facts that he has mentioned. I am afraid there is nothing fresh to be examined by the Select Committee except to delay it. We cannot afford to delay this Bill as the present Act expires with the end of July 1953 and hardly four days are left. There is nothing fresh also to be examined in the Select Committee, the Bill having been once examined thoroughly and passed into an Act and this Act has been in operation all these years. If any fresh examination is necessary, certainly it could be done after the separation of the State and the two States can go into it thoroughly and they can make any changes as they desire according to the local conditions existing in each State. Even if this Bill is referred to a Select Committee on the eve of partition and the Select Committee makes certain recommendations, I am afraid they may not be quite acceptable to the new State. Because we are on the eve of separation and the Act is actually in force for the last four years and no complaints have been received, I feel it is not necessary to appoint a Select Committee at this stage. Hence I request the hon. Member Mr. Krishna Rao to withdraw his amendment.

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"With regard to the Planning Commission and the works which my predecessor Mr. Gopala Reddi had not been able to complete, according to Mr. Krishna Rao, I do not want to go into the merits or demerits of what he said at that time. But the hon. Member Mr. Krishna Rao is well aware of the financial position of the State just at present, how the expenditure is increasing day by day which we could not possibly control in spite of our best efforts and why we need more money immediately. I also request him to keep in view the ways and means position of the State and withdraw his amendment. I request the House to take this Bill into consideration at once."

10
a.m.

* THE HON. SRI C. RAJAGOPALACHARI:—"Sir, the position is this. The hon. Member should understand that the entire proceeds go to local boards. I do not see why this Bill should be delayed. The hon. Member Mr. Kalyanasundaram was suggesting to me whether the Government would be content if it was extended by one year and the matter reconsidered later on. I leave that to the Hon. Minister for consideration."

* SRI T. VISWANATHAM:—"Sir, the Hon. the Chief Minister says that the entire proceeds under the two existing Acts would go to local bodies. I am afraid that is not correct."

* THE HON. SRI S. B. P. PATTABHI RAMA RAO:—"Except 10 per cent, 90 per cent of the proceeds go to local boards. Ten per cent is utilised for collection charges. Practically the net proceeds go to the local bodies."

* SRI T. VISWANATHAM:—"Sir, the whole of the 'Show' tax goes to the Government. It is only to relieve their financial stringency that the Act was passed, and the whole proceeds go to the Government of Madras."

* SRI K. KRISHNA RAO:—"Sir, the Entertainments Tax Act consists of two parts. One is a tax upon the persons who go to the show. The other tax is upon the show itself, which is borne by the proprietors. So far as I am able to see from the proceedings of the Assembly in 1949, I find that this tax does not go to the local bodies. I cannot see that this tax goes to the local bodies."

* THE HON. SRI S. B. P. PATTABHI RAMA RAO:—"I might mention here, Sir, that there are two taxes, namely, (1) tax on the ticket (this is paid by the person who sees the show) and (2) tax on the shows. Hence there are two types of tax."

* SRI K. KRISHNA RAO:—"Sir, I wish to say a few words in reply to what the Hon. Minister has stated. He said that there was no need for examination. We are here to say that we are convinced, after seeing the working of the Act, that there is need for revision. The other thing is that for two years to come the Andhra State will be very busy attending to much more urgent

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things and preliminaries concerning the formation and stabilization of the Andhra State. Therefore, I think that we should be very careful in dealing with these things."

* THE HON. SRI S. B. P. PATTABHI RAMA RAO :—" Sir, I am glad that Mr. Krishna Rao has made out a point which I myself wanted to mention to you. It will take at least two years for the Andhra State to settle down and think afresh of this Act. That is why I am asking time for three years for this Act, in which case there will be plenty of time for the Andhra State to consider and repeal this Act or amend it. Hence, a period of three years is an absolute necessity. I must respectfully submit to the Chief Minister that the period of three years may not be altered. We would like to have time for three years, and this Act has to be in force for three years. As regards examination, I might mention to the hon. Member Mr. Krishna Rao that examination and scrutiny can be had at closer quarters and in a smaller Assembly than this august Assembly. We can then certainly do all that is necessary to improve the Bill. As I have already explained, the Act will expire on the 31st July 1953. Therefore, I would now request the House to take this Bill into consideration."

MR. SPEAKER :—The question is—

'That the Madras Entertainments Tax (Amendment) Bill, 1953, be referred to a Select Committee.'

The amendment was put and lost

SR. PILLALAMARRI VENKATESWARLU :—" Sir, the Hon. the Chief Minister's suggestion is that the period may be limited to one year. Has he clarified that point? "

MR. SPEAKER :—" We will take this up when we come to the relevant clause. The question is—

'That the Madras Entertainments Tax (Amendment) Bill, 1953, be taken into consideration at once.'

The motion was put and carried.

Clause 2.

* SRI VAVILALA GOPALAKRISHNAIAH :—" Mr. Speaker, Sir, I move the amendment standing in my name, namely,—

'For the figures and words "1st August 1956", substitute the figures and words "31st December 1953".'

Sir, I submit that I differ from the view of the Hon. Minister in charge of the Bill that it will take two years for the Andhra State to settle down. This must be considered immediately. Because this is an emergency Bill. It must be discussed according to the needs and necessities of the States concerned. Mr. Kalyanasundaram and the Hon. the Chief Minister agreed to limit the period to one year. But I propose that it should be still further limited, i.e.,

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it must be limited to six months. They have agreed to the principle that the concerned States will have to discuss the Bill. They want to give a long time for discussion and I want to give only a short period. Immediately after October this year, there will be meetings of the respective Assemblies. They can discuss the whole thing threadbare. There is a difference of opinion whether the proceeds go to the local boards or municipalities or both. The Hon. Minister Mr. Pattabhi Rama Rao states that the proceeds go to the local boards. On another occasion, he said the proceeds would go to municipalities. Probably both may be true. If he clarifies the position, I am prepared to accept his suggestion. A doubt has arisen in regard to district boards and municipalities. My point is that the Bill be taken up by the States concerned whether Andhra or Residuary State—after separation. Therefore, Sir, I move my amendment."

* SRI K. VENKAIAH:—"Sir, I second the amendment. While seconding the amendment, I have to say a few words. We know that the purchasing power of the people is going down day by day. If we do not take this factor into consideration, and keep taxes within limits, I am afraid, many entertainment concerns will be closed down. We already know that there is huge unemployment. Unemployment is becoming more and more. In view of this, the whole thing should be considered afresh. So, six months or one year should be fixed as the period. But it should not exceed one year. I support the amendment of Mr. Gopalakrishnaiah."

* SRI R. SIDDANNA GOWD:—"Sir, it is given out by the Hon. Minister who moved the Bill that the entire proceeds of the tax would go to the coffers of the local bodies. The Hon. Minister now denies that my surmise is wrong, and says that only a part of the proceeds will go to the local bodies. It is well known that the financial resources of the local bodies are not good. In view of the fact that the revenues from this tax will go to, or aid the finances of the local bodies of this State, I feel it incumbent on my part to support the Bill in its entirety. I appeal to my hon. friend Mr. Gopalakrishnaiah to withdraw his amendment."

10-10
a.m.

SRI K. V. RAMESAM:—"In supporting the amendment for extending the time up to December 1953, my suggestion is that a period of one year is quite enough. The pros and cons of this legislation have to be fully discussed in the future Legislatures of the respective States. I therefore request the Government to accept the amendment which says that it will be enough if this legislation is extended for a period of one year."

* THE HON. SRI S. B. P. PATTABHI RAMA RAO:—"Before the discussion proceeds further, I wish to clear certain points. As I have already mentioned there are two kinds of taxes. One is collected from the film-goers by way of a tax on tickets which is paid by the public who visit the entertainments. Ninety per cent

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of that tax goes to the local bodies. The other tax that is paid by the exhibitors of films at a very small rate goes entirely to the Government and not to the local bodies."

* SRI PILLALAMARRI VENKATESWARLU :—" I do not know the reasons why the Hon. Minister who is responsible for bringing this Bill has prescribed a period of three years. After all, the State is shortly going to be divided and there will be two separate Legislatures to discuss the matter. If he has got any apprehensions about the formation of a Cabinet in the State of Andhra, then I quite appreciate his bringing forward this measure. If it is not so, I hope the period of one year is quite just and proper. If the Government agree with this view and accept the principle the amendment moved by Mr. Vavilala Gopalakrishnaiah need not be pressed. I hope the Government will be agreeable to this irrespective of the fact whether there will be a Cabinet in Andhra"

* THE HON. SRI C. RAJAGOPALACHARI :—" The formation of the Andhra State has nothing to do with this legislation. Even though this Bill may be passed here now, the Andhra Legislature can still change this Bill, abolish it even and give a free hand to the cinema producers and annul the tax also. They can do all those things. It is only a question of time. So I say that instead of an order terminating in the middle of the financial year, it would be better if we have 31st March 1955. I move—

' For the figures and words " 1st August 1956 " in the proposed sub-section (3), substitute the figures and words " 31st March 1955 " . ' "

SRI PILLALAMARRI VENKATESWARLU :—" I think a period of one year will be quite sufficient. Meanwhile, the Legislature will meet and decide. Financial year has nothing to do with this."

* THE HON. SRI C. RAJAGOPALACHARI :—" I am surprised at this plea which is put forward on behalf of the picture-makers or exhibitors. It is not a tax on the film-goers. It is a tax on the organisers of films who are making money. This is not a question of the purchasing power of the people. If the big film-producers are not able to make huge profits as before, it is due to many causes. People are tired of bad shows. That is the reason why they don't attend shows as before."

* SRI M. KALYANASUNDARAM :—" It is not a plea for the film-producers or the owners of the cinema houses. If anybody should plead, it is the Government who should plead on their behalf, as most of the producers are supporters of the Congress."

THE HON. SRI C. RAJAGOPALACHARI :—" They are not our enemy! "

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SRI M. KALYANASUNDARAM :—“ Our suggestion is that we should find out whether they are adequately taxed. That is why we say that for the time being we can extend the legislation for one year. If, however, there is any difficulty for the Government, let us have it till 31st December 1954.”

THE HON. SRI C. RAJAGOPALACHARI :—“ That is why, I have suggested that the legislation may be in force till 31st March 1955.”

* THE HON. SRI S. B. P. PATTABHI RAMA RAO :—“ There has been enough discussion on this clause. I would just mention one thing. As Mr. Krishna Rao has pointed out, there may be enough headaches for the new State in the beginning and there may not be enough time to go through such Bills. When once we are separated there may be time, as the Hon. Chief Minister pointed out to consider the legislation before 31st March 1955. The date 31st March 1955 is quite reasonable and I request hon. Member Sri Vavilala Gopalakrishnaiah to withdraw his amendment.”

* SRI VAVILALA GOPALAKRISHNAIAH :—“ Sir, I was not able to follow the suggestion of Hon. Sri Pattabhi Rama Rao. I do not know whether he was agreeable to my suggestion or to the suggestion made by the Hon. Chief Minister. If it is a question of having the legislation to suit the financial year, then why cannot they have it as 31st March 1954? ”

* THE HON. SRI S. B. PATTABHI RAMA RAO :—“ If we make it a 1954, there will be hardly any time for anybody to consider it after the new State is formed. We must have some more time. In the initial stages the Andhra State and its Legislature may have to attend to many more important issues. That is why we have suggested the date 31st March 1955 and it may be accepted, Sir.”

SRI VAVILALA GOPALAKRISHNAIAH :—“ In that case, I withdraw my amendment.”

The amendment of hon. Member Sri Vavilala Gopalakrishnaiah was, by leave, withdrawn.

MR. SPEAKER :—“ I will now put the Government amendment to the vote of the House. The question is—

‘ For the figures and words ‘ 1st August 1956 ’ in the proposed sub-section (3), the figures and words ‘ 31st March 1955 ’ be substituted.’ ”

The amendment was put and carried.

Clause 2 as amended was put and carried. Clause 1 and the Preamble were then put and carried.

THE HON. SRI S. B. P. PATTABHI RAMA RAO :—“ Sir, I beg to move—

‘ That the Bill as amended be passed into law.’ ”

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* SRI T. VISWANATHAM :—“ Sir, there is no doubt this legislation benefits the local bodies. It also benefits the sales tax department. In this connexion, I wish to bring to the notice of the Government that the Government are now losing quite a large amount under this head. A large number of seats in the cinema houses are now-a-days kept free for the officials of the Revenue, Police, Commercial Taxes, Electricity, Public Health and various other departments. In the administration of this Act, I request the Hon. Minister to look into this matter and see that seats in cinema houses are made available only to those who actually pay and that no seats are reserved for Government officials or servants of the local bodies. At the present time, many of the seats in the cinema houses are kept vacant for these officials and so the Government have to lose a large sum of money, which they would have otherwise got had those seats been occupied by persons who paid for them. To-day, entertainment tax and even surcharge is collected. In fact, cinemas are not entertainments; they are only a sort of recreation for the poor people and this tax and also the surcharge is recovered from these poor people. That being so, why should the Government lose money on account of their officials occupying many seats in cinema houses without paying for them and deprive the paying persons of their seats? I request the Hon. Minister to take these things into consideration and see that the administration of this beautiful tax is really made beautiful.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ I am sorry Sri Viswanatham has always an eye on the dark and black things. (Laughter.) Here is a case where people attend entertainments. There are two sides to every question. At times, respectable people are invited to attend cinemas and made to sit there. Then other people think it is good to go and attend cinemas after paying in the box office. When officials go there we need not object to it. The seats will be better arranged, and things will be kept cleaner and tidier if occasionally people like those mentioned by Mr. Viswanatham go and sit there.”

* SRI T. VISWANATHAM :—“ Will the Hon. Chief Minister then issue instructions to the various departments asking the officials to visit the cinema houses more frequently than now on a free ticket system? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ I would do that 10-20
if the pictures were better.” a.m.

MR. SPEAKER :—“ The question is—

‘ That the Madras Entertainments Tax (Amendment) Bill, 1953, as amended be passed into law.’ ”

The motion was put and carried and the Bill was passed into law.

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(2) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) AMENDMENT BILL, 1953.

* THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ Mr. Speaker, Sir, I beg to introduce the Madras Buildings (Lease and Rent Control) Amendment Bill ^a, 1953 and move—

‘ That the Bill be taken into consideration at once.’

In moving this Bill, I wish to say that it is a very non-controversial and simple Bill seeking to extend the life of the Act by another two years. We shall take stock of the position then and review the whole accommodation problem. I hope the House will accept this simple measure without much opposition.”

MR. SPEAKER :—“ The motion is—

‘ That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1953, be taken into consideration at once.’ ”

SRI V. R. KRISHNA AYYAR :—“ Mr. Speaker, Sir, this Bill is certainly innocuous in that it simply seeks to extend by two years the existing provisions of the Madras Buildings (Lease and Rent Control) Act. But the working of the Act of 1946 has revealed many defects in it, especially the non-implementable character of the various provisions of the Act. As a matter of fact, we find that the only benefit of the Act is that it confers some right upon the subordinate Government officials—and even there only on some officials—to secure buildings when they are transferred from one place to another. I see there is some rule by which the key of the house could be handed over by one officer to his successor. In respect of the other provisions, it does not produce any salutary effect and it is time that the House considered the matter in detail instead of simply re-enacting it so as to make it live for another two years. For example, the provisions regarding eviction require reconsideration; particularly how the various Rent Controllers' Courts are working has to be gone into. There is a strong feeling that the cheap machinery provided in the Act which does not prescribe any court-fee helps the landlord to get an eviction order by manipulating arrears of rent or by pretending that he requires the house for his own occupation. The latest judgment of the High Court says that if the landlord says he wants it, it means he wants it for bona fide occupation and the statement should be accepted. What is the court-fee that he pays for this order? It is only twelve annas. He gets an eviction order as easily and as cheaply as he desires and the working of the Act has been considerably to the prejudice of the tenantry because if there is no Rent Control Court, there will be the forbidding influence of a heavy court-fee in the ordinary courts. Secondly there will be the normal delays in ordinary courts in getting a decision. But here you get an expeditious decision and a cheap remedy affecting the tenant.

^a Published in the Fort St. George Gazette, dated 15th July 1953.

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“ Secondly, Sir, comes fair rent which is an integral part of this Act. We do not know in how many cases fair rents have been fixed and stuck to. As a lawyer, I have come across several cases wherein when an application is filed for fair rent fixation, consequently an application for eviction lies. Thousands of cases happen like this and in the contest, so to say, the tenant loses and oftentimes, there is an eviction order rather than a fair rent fixation. The provisions in the existing law are so unrealistic and nobody is willing to apply for fixation of fair rent. If we take the cross-section of the number of houses where fair rents have been fixed and the number of houses where fair rents are paid, we will find that the number will be just two or three where that rent is actually paid. In other cases the tenants pay as much as three times the fair rent fixed. So, Sir, it is time we ponder over the whole matter again, reflect and see whether there should be any changes made in the various provisions of the Act. We should not simply re-enact it so as to give it a fresh lease of life for two years by saying there is now a crisis and we shall have it for two years for the present and see about changes later. I take this occasion to say that the existing Act does not work at all satisfactorily and it is time the Government review the matter fully.”

* SRI K. KRISHNA RAO :—“ Mr. Speaker, Sir, the Government have come forward to ask for the extension of the life of the Act. Sir, when the Bill was there, it was, I thought, an obligation on the part of the State to see that the dearth of buildings, pressure on space and pressure on building sites in urban areas was removed by themselves constructing houses or by taking such other measures as would relieve the pressure on buildings. The very fact that the Government have not, after the close of the last war, taken up any such work, indicates that the Government are an irresponsible Government with regard to these amenities which it is their duty to provide to the urban residents in our State. Far from doing this, the Government are doing the very reverse of it. The price of building materials has gone up. The Government are taking up a number of measures by which the poor men's huts are destroyed. Either the municipality destroys it or the Revenue authorities destroy it in order to ensure that there is no encroachment on the land or the Public Works Department does it 'as the hut is constructed without its permission' or in some cases, as in the City of Madras, by the City Improvement Trust. Therefore, the policy of the Government seems to be to continue such kinds of measures which are only a commentary on their irresponsible policy. Instead of putting up buildings, instead of making building materials cheaper and instead of giving loans to the poor people for constructing houses, the Government are out to destroy these huts which are the post-war phenomenon of urban areas. I, therefore, suggest that huts also should be included in the Act so that the residents of huts may be given protection from arbitrary eviction. My other point is that even the Government should not have any right to evict poor people who have built huts on Government lands

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in many towns until and unless they are shown an alternative site or an alternative method of housing. A number of cases of injustice are coming to the notice of the Government but they are trying to cover them all by bringing in measures of this kind."

* THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" Mr. Speaker, Sir, I am thankful to hon. Members for the suggestions they have made. I know Mr. Krishna Ayyar has given notice of a Bill and we are already considering certain amendments to the existing Act which are found necessary as a result of its working all these years. I wish to give an assurance to him that his suggestion will be considered when we bring in a comprehensive amending Bill at a later date.

" Then, Sir, Mr. Krishna Rao has been very scathing in his criticism and talking about housing shortage and so on. I would like to differ from what he has said because this Bill only seeks to regulate the relationship between the landlord and the tenant. Of course, his suggestion to include the huts also in the Act will very well be considered by the Government. Now, this Bill only seeks to extend the life of the Act by two years and I am sure the House will agree to the motion. It may not be necessary to have control even for two years because the moment it is found unnecessary, it will be repealed. We are also very anxious to have no control whatsoever in this direction if it can be helped. With these observations, I request that the Bill be taken into consideration."

10-30
a.m.

MR. SPEAKER :—" The question is—

' That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1953, be taken into consideration at once.' "

The motion was put and carried.

MR. SPEAKER :—" Now, we shall take up the Bill clause by clause."

Clauses 2 and 1 and the Preamble were put and carried.

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" I move—

' That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1953, be passed into law.' "

MR. SPEAKER :—" The question is—

' That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1953, be passed into law.' "

The motion was put and carried and the Bill was passed into law.

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(3) THE METTUR CANAL IRRIGATION CESS BILL, 1953.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" I beg to introduce the Mettur Canal Irrigation Cess Bill^a, 1953, and move—

' That the Bill be taken into consideration at once. ' "

* SRI VAVILALA GOPALAKRISHNAIAH :—" I move—

' That the Mettur Canal Irrigation Cess Bill, 1953, be referred to a Select Committee. ' "

THE HON. SRI C. SUBRAMANIAM :—" Sir, the hon. Member cannot make it a habit of moving amendments to all Bills that they be referred to a Select Committee. He may change this attitude at least now onwards so that there may be a better atmosphere in the Andhra State Legislature."

* SRI VAVILALA GOPALAKRISHNAIAH :—" Sir, I thank the Hon. Minister for his advice. However, whenever Government move any amendment they never consult anybody. So we are trying to have an opportunity of examining it at the Select Committee."

THE HON. SRI C. RAJAGOPALACHARI :—" A little while ago, we were about to accept the hon. Member's amendment. But the hon. Sri Viswanatham came in the way and suggested that it be made a Government amendment. What are we to do? "

SRI T. VISWANATHAM :—" Sir, I suggested the correct procedure only."

* SRI VAVILALA GOPALAKRISHNAIAH :—" Sir, when the Bhavani Reservoir Irrigation Cess Act was passed, the Government said that the cess would be confined to that extent only. Now in this Mettur Canal Bill, the provisions in that Bill are made applicable. That is why we have some doubts and we want a clarification. For that reason only I move my amendment to send this to a Select Committee. As a matter of fact I am not completely aware of the implications. If the implications are made clear in the form of an explanation of objects and reasons or in an explanatory memorandum or some such thing, it would have been all right. The idea seems to be to have an enhanced taxation. I feel if the taxation is to be enhanced, that matter should be gone into thoroughly and therefore I suggest it is better to send it to a Select Committee."

SRI S. VEMIAH :—" I second the amendment, Sir."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, it is pity that my hon. Friend Sri Vavilala did not understand the correct position. This Bill aims at extending the provisions of the Bhavani Reservoir Irrigation Cess Act. That was very elaborately considered at the Select Committee. Now what is proposed in this Bill is to extend the provisions of that Act to the Mettur

[Sri M. A. Manickavelu Naicker]

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canal. This scheme was started in 1949 and the scheme is to take the canal from the Mettur Reservoir to the districts of Salem and Coimbatore and it will irrigate about 7,500 acres of land and so we are fixing the same rate as we fixed for the Bhavani Reservoir Irrigation, because the lands are not different from those under the Bhavani Irrigation Scheme, the same kinds of crops are raised and all the conditions are similar. Therefore, we are extending the provision of that Act to the Mettur canal area. There is also provision for the rotation of crops just as in the other Act. So it is not a new feature. It is only an extension of the particular provisions of that Act to an enlarged area which will be brought under the Mettur canal irrigation. The hon. Member need not be frightened by the name 'Mettur'; because the water is taken from the Mettur canal, that name was given. About the rates, only the maxima are prescribed. The Government are not going to straight-away charge that in the first year. To begin with we are going to charge only half the rate of the maxima fixed."

* THE HON. SRI C. SUBRAMANIAM :—" May I also add, Sir, the people concerned are satisfied with the provisions and they are happy that the same conditions as prevail under the Bhavani Reservoir Scheme do prevail under the Mettur Canal Scheme also. So, on principle, the objects of the hon. Sri Vavilala cannot be sustained."

* SRI VAVILALA GOPALAKRISHNAIAH :—" Sir, I am happy that persons like the Hon. Sri Subramaniam are satisfied with the taxation and other things. But apart from it, I consulted my friends also who say that it is no concern of me. So, I have the least objection to withdraw my amendment."

The amendment of Sri Vavilala Gopalakrishnaiah was, by leave, withdrawn.

MR. SPEAKER :—" The question is—

' That the Mettur Canal Irrigation Cess Bill, 1953, be taken into consideration at once.' "

The motion was put and carried.

Clause 2.

* SRI K. KRISHNA RAO :—" Sir, I move—

' Insert a new sub-clause under clause 2—

" (2) In section 2 of the said Act, for the last proviso substitute the following :—

' Provided further that the rate of water cess charged under this Act shall be—

not over Rs. 5 per acre in respect of lands to which irrigation from the canal is allowed, but which were not actually irrigated with water from the canal

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not over Rs. 9 per acre in respect of lands irrigation to which is allowed from the canal and actually irrigated with water from the canal.' ...

Sir, the principles underlying this Bill are not so simple as they are represented to be. There are two systems under the Mettur Reservoir. One is that particular area which is under the Bhavani Scheme. They have now constructed another canal. They want to impose certain irrigation charges upon these lands which are irrigated by the new canal, namely, the Mettur canal. Previously there was no separate bill for every anicut. For example, there was the Godavari anicut, Nagavalli anicut, the Krishna anicut and so on. There was an old Act under which water charge was fixed. They did not think of a separate bill for every area. Now under this particular canal they want to charge much more than what is applicable to other canals in the Tanjore area. That is, they want to make this canal yield much more. What are the reasons? They say, the capital cost is higher; they say, 'We are a set of "Chettians", we are doing business, we are not a Government, we have incurred so much expenditure; therefore, we want to get this money from the ryots.' That seems to be the explanation which the Government are giving. That was what the British were saying. They were telling that ruling of India was a business for them. It was a profit and loss question for them and the people who said the contrary were arrested. Now, Sir, the position is different. Why don't the Government take another kind of attitude with regard to irrigation systems whatever may be the kind of project under which lands are irrigated. My point is same rate of water cess should be adopted for every project, whether it be in Srikakulam or in Tirunelveli. The Government are adopting particular rates of water cess to particular irrigation systems and so much so the ryots who have the misfortune to live in an area where the irrigation project will be costly, will be saddled with a much higher water rate than in the case of others who are more favourably situated. Considering it in terms of our Andhra for the irrigation projects in Rayalaseema the ryots there must bear a much higher water rate than the ryots, for example, in Godavari and Krishna deltas because the Godavari and the Krishna irrigation systems are cheaper while those in Rayalaseema will be costlier. Therefore what we are trying to do is we are penalizing those persons who have all along been putting up with dry crops and who after much agitation have got an irrigation project, because the cost is extra due to war. Therefore, Sir, I feel such a system must not be allowed to continue to be the policy of the Government, because it is the Andhras who are suffering on account of this policy. Let us take the hydro-electric schemes. Hydro-electric schemes are cheaper to operate while thermal electric schemes are costlier to operate and what happens is persons who take energy from the hydro-electric schemes get it cheaper while persons who take energy from the thermal electric schemes get it costlier. The same principle is applied to the irrigation systems also. I think it is an inequitable principle and it should not be allowed to continue.

10-40
a.m.

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“ Then, the Act says that the permission to cultivate must be got from the Collector. Do you expect the ordinary ignorant rustic from the village, with absolutely no knowledge of moving with Collectors, to go to a lawyer, write a petition and send it to the Collector? If he has not applied, he will not be allowed to cultivate and his land will not be included. Why do you put all these restrictions? So far as my information goes, similar restrictions do not operate under other projects. There is another peculiarity with regard to this particular project. When once the lands are included, whether the ryots take water or not, they will be taxed. This is a wonderful principle. For their sin of remaining in an area which is irrigated, whether the ryots take water or not, they will be taxed and that is the principle here. Therefore, let us begin to correct our errors and let people who take water alone be taxed. It is equitable.

“ Then, Sir, there is a kind of opposition on the part of the ryots there to convert the dry lands into wet lands. The reason is the return is more in the case of crops like garlic than in the case of paddy. It looks as if the ryots are not inclined to convert the dry land into wet land. Then why put this compulsion at all? Therefore, the Government should not coerce the ryots to convert their dry lands into wet lands and then penalize them for not utilizing the water. In fact they will take water if it is convenient and advantageous to them. Sir, there are so many such inequitable sections and the provision with regard to the rates of tax should be altered and made more equitable.”

The amendment was duly seconded.

* SRI S. RAMALINGAM :—“ Mr. Speaker, I move—

‘ Add the following new sub-clause :—

“ In section 2 of the said Act, the second proviso shall apply subject to the following modifications :—

The rate of water cess shall not exceed Rs. 15 per acre for cotton, Rs. 10 per acre for paddy and Rs. 5 per acre for millets ”.

Sir, my amendment is very simple. The Hon. Minister for Land Revenue while introducing this Bill said that the maxima proposed in the Act would not be levied immediately. I propose that the maximum should be restricted to Rs. 15 instead of Rs. 20 in the case of cotton, Rs. 10 instead of Rs. 15 in the case of paddy and Rs. 5 instead of Rs. 7-8-0 in the case of millets. If the Government want to increase the maximum at any time, they can come before the House and take its permission. I hope the Hon. Minister will accept my amendment.”

SRI PILLALAMARRI VENKATESWARLU :—“ Mr. Speaker, I second the amendment moved by my hon. Friend Sri S. Ramalingam.”

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* SRI B. K. NALLASWAMI :—“ Mr. Speaker, Sir, as one coming from the constituency which is benefited by this canal, I want to say a few words. Many of my Andhra friends and others who are interested in the Bill gave some amendments. But my constituency gets the benefit of both the Bhavani Sagar Canal and the Mettur Canal and I think the conditions of cultivation and the irrigation facilities are the same. When considering the Bhavani Irrigation Cess Bill, we considered the neighbouring Kalingaraya canal and those in Gobi taluk. Now, if my friend Mr. Ramalingam's amendment is accepted, that will be a great injustice to the other people who may feel that the Government is partial and discrimination is shown between others and the ryots of Mettur canal area. But there is some thing right in what Mr. Ramalingam said. The initial expenditure that the ryots have to incur in the first two or three years will be very high. I therefore request the Government to give them half-rate concession for at least three years to come because almost all the lands are going to be paddy cultivated which require good lot of amount to be invested, about 1,000 rupees per acre.

“ Another point on which I want a clarification from the Hon. Minister for Land Revenue, is the ryots are thinking that they are getting water for irrigation of paddy cultivation only and not for other crops, as in the case of Bhavani Sagar Canal.

“ A doubt arises in my mind whether there will be restriction of irrigation facilities and whether the ryots would be forced to cultivate millets, cotton or other commercial crops. I hope the Hon. Revenue Minister will clarify. This sort of restriction will cause considerable hardship to the poor ryot. Take for instance a simple case. Suppose a ryot cultivates paddy for this year. To ask him to resort to the cultivation of millets next year will entail hardship on the ryot. All along he would have been accustomed to paddy cultivation. He will be disappointed if he is asked to cultivate millet or cotton. Moreover it is absolutely necessary that he should be given proper notice regarding water-supply. Paddy cultivation requires much more water-supply than cotton or millet cultivation. So I would request the Hon. Revenue Minister to clarify whether all these 45,000 acres are going to be allowed to have paddy cultivation or whether they are going to do what they have done in the case of Lower Bhavani Project, viz., allowing 10,000 acres for paddy cultivation and 2 lakhs of acres for millet and cotton cultivation. If the ryots were to know previously that he should either cultivate paddy or millet, he may make his own initial arrangement. Therefore I would request the Hon. Revenue Minister to clarify the position.”

* THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, the Godavari delta will become the sole concern of the Andhra Government that is shortly going to come. So the hon. Member Sri Krishna Rao need not worry too much. The Andhra Government would definitely take good care of Rayalaseema.

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“ Sir, so far as this Bill is concerned, water is going to be let out shortly for this season (1953-54) up to the 20th mile of the right side channel in the Coimbatore district. The channel would bring water from the Mettur Reservoir. The ryots who are going to be benefited are willing to pay the rates prescribed by us. After all our rates are not exorbitant. In fact some members of the Select Committee toured Bhavani and we had arrived at a unanimous conclusion. There was no difference of opinion against the members of the Select Committee. In the original Bill we have fixed the rates for cotton at Rs. 25 for paddy Rs. 18 and Rs. 10 for millets. Now in the present Bill we have reduced those rates as follows :—

Cotton, Rs. 20 (rupees twenty).

Paddy, Rs. 15 (rupees fifteen).

Millets, Rs. 7-8-0 (rupees seven and annas eight only).

Hon. Members may now see how reasonable these rates are. Moreover the ryots are willing to pay these prescribed rates. I do not know why when both the parties, I mean, the ryots and the Government, agree, hon. Members should butt in.

“ I would like to mention one more important point. We are not going to collect the maximum rate at once. We have only fixed the maximum rates. Government will think of collecting the maximum rates only if conditions permit.

“ The hon. Member Sri Nallaswami had some doubt whether ryots would be put to undue hardship due to restrictions being placed on paddy cultivation. The hon. Member had told that the present channel may irrigate about 45,000 acres. As far as my knowledge goes, the present channel up to the 20th mile will irrigate only 7,500 acres. With regard to fixing the rotation of crops, the Engineer concerned will look into the matter. Water-supply will be made available for the ryots both for wet as well as dry cultivation. I assure the hon. Member that due notice will be given to the concerned ryots whenever the Government decide on any rotation of crop at a later stage.”

SRI B. K. NALLASWAMI :—“ Sir, may I correct the Hon. Minister. Including the left and right wings, the channel when completed will irrigate 45,000 acres.”

* THE HON. SRI M. A. MANICKAVELU NAICKER :—“ At present up to the 20th mile the channel will irrigate only 7,500 acres. When the channel is extended further, it may irrigate some more acres.

“ I do hope, Sir, that hon. Members will clearly see after having heard me that our rates are most equitable. The ryots have also agreed to pay according to our rates. I do hope the House will give its unanimous approval.”

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* SRI PILLALAMARRI VENKATESWARLU :—" On a point of information, Sir. The Hon. Minister in explaining the Government stand, said that the Government were not going to charge the maximum rates now. In that case they can as well agree to the amendment given notice of by my friend Mr. Ramalingam. They may agree to his reduced rates. If and when they find at a later stage that the rates should be enhanced, they can come again to get the approval of this House. Instead of now requesting the sanction of the House for maximum rates, I think if the Government were to adopt the reduced rates indicated by Mr. Ramalingam and then come to the House for its enhancement in case they find it necessary later, that would be really very fair."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" All these things were considered thoroughly and an unanimous conclusion was arrived at, in the Select Committee."

MR. SPEAKER :—" I am going to put the amendments to the vote of the House. I want to know whether Mr. Krishna Rao is pressing his amendment."

SRI K. KRISHNA RAO :—" Yes, Sir."

MR. SPEAKER :—" The question is—

' *Insert a new sub-clause under clause 2—*

" (2) In section 2 of the said Act, for the last proviso substitute the following :—

' Provided further that the rate of water cess charged under this Act shall be—

not over Rs. 5 per acre in respect of lands to which irrigation from the canal is allowed, but which were not actually irrigated with water from the canal

not over Rs. 9 per acre in respect of lands irrigation to which is allowed from the canal and actually irrigated with water from the canal.' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' *Add the following new sub-clause :—*

" In section 2 of the said Act, the second proviso shall apply subject to the following modifications :—

The rate of water cess shall not exceed Rs. 15 per acre for cotton, Rs. 10 per acre for paddy and Rs. 5 per acre for millets " ' "

The amendment was put and lost.

Clause 2 was put and carried.

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Clause 1.

SRI S. VEMIAH :—" Sir, I move—

' For the words " at once " in sub-clause (3) of clause 1, substitute the words " during fasli 1364 after one successful crop, not binding on those pattadars who own two acres and less " . '

" My amendment is very simple, Sir. The Government have been pleased to give water facilities to the ryots. The water-supply may begin from this agricultural season (1953-54). The ryots in return pay irrigation cess. Suppose there is a plot of land which requires some reclamation, there will be no doubt that the said land could be made fit for cultivation only after a considerable amount of money is spent on it. If you ask the pattadar of that small plot of land to pay irrigation cess right from the time the water is let out, then it would mean considerable hardship to him, for the land would be made fit for cultivation only after a year or so. That is why I say let the small pattadars who own less than two acres be shown some concession."

(Mr. Speaker sounded the gong and called on the Minister to reply.)

The amendment was duly seconded.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" As I had already said, the ryots are anxious to get the water, they have agreed to our rates and Government are also going to let out water shortly. When this is the case I do not see any reason why the hon. Member has brought his amendment. Accepting his amendment would only mean leading to further fragmentation of holdings. Even small pattadars cultivate their lands intensely. They are very eager to get the water-supply for this agricultural season. Moreover the rates we have charged are quite reasonable. Therefore I oppose the amendment of the hon. Member."

MR. SPEAKER :—" The question is—

' For the words " at once " in sub-clause (3) of clause 1, substitute the words " during fasli 1364 after one successful crop, not binding on those pattadars who own two acres and less " . '

The amendment was put and lost. Clause 1 was put and carried.

The Preamble was put and carried.

SRI S. VEMIAH :—" Sir, the Hon. Minister was telling us that my suggestion will lead to fragmentation. May I know what steps the Government have taken to avoid this fragmentation in this State? "

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" The Government are considering that. I now move—

' That the Mettur Canal Irrigation Cess Bill, 1953, be passed into law. ' "

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MR. SPEAKER :—“ The question is—

‘ That the Mettur Canal Irrigation Cess Bill, 1953, be passed into law.’ ”

The motion was put and carried and the Bill was passed into law.

(4) THE MADRAS TENANTS AND RYOTS PROTECTION (AMENDMENT) BILL, 1953.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Mr. Speaker, Sir, I beg to introduce the Madras Tenants and Ryots Protection (Amendment) Bill^a, 1953, and move—

‘ That the Bill be taken into consideration at once.’

Sir, the object of the Bill is to extend the protection afforded to the ryots for another one year. The original Act giving protection to the ryots had been extended once or twice before and now it expires in October 1953. We want the sanction of the Legislature to extend it by one more year, namely, up to October 1954. Sir, the point is this. Certain estates have not yet been taken over and there are certain other estates which are under stay. Therefore, if the Act expired now, the ryots will be put to great difficulties since the estate holders or inamdars may launch eviction proceedings. So, in order to protect the ryots from such eviction proceedings, the Government propose to extend the Act for a further period of one year.”

SRI PILLALAMARRI VENKATESWARLU :—“ Sir, I would like to know how many estates have yet to be taken over.”

* THE HON. SRI M. A. MANICKAVELU NAICKER :—“ I cannot give the exact number. I can only say that there are some estates yet to be taken over.”

“ SRI V. R. KRISHNA AYYAR :—“ Mr. Speaker, Sir, the Hon. Minister when moving this extending bill referred to the question of some estates not yet having been taken over. But then I wish to remind the Hon. Minister in charge of this particular bill that in the operation of the Madras Tenants and Ryots Protection Act, as it is, there is some difficulty experienced by the ryots or tenants under the Malabar Tenancy Act. This Act applies not merely to estates but also to eviction suits and suits for sale of holdings under the Malabar Tenancy Act. Unfortunately, the Madras Tenants and Ryots Protection Act copies for its definitions certain expressions which have already been defined in the Malabar Tenancy Act. For instance, I may say that the definition of ‘ tenant ’ in the Tenants and Ryots Protection Act is exactly the same as in the Malabar Tenancy Act. Experience has shown that a person who is actually cultivating is oftentimes not a tenant within the meaning of the Malabar Tenancy Act but a sub-tenant. He might be holding under an othidar or under holders of other tenures, those tenures having the complication of mortgages also.

[Sri V. R. Krishna Ayyar] [28th July 1953]

Very recently the Madras High Court held that a suit for eviction where relief is claimed under the Tenants and Ryots Protection Act, means a suit for eviction of a tenant and that since a mortgagee is not a tenant, the sub-tenant under such a mortgagee in possession or othidar does not get protection whatever because it is not a suit for eviction. These anomalies will have to be gone into. Again, on the question of deposit of two years' rent, there was an impression prevailing that in view of section 55 there was no need to deposit the rent. Under the Tenants and Ryots Protection Act a certain period is specified. That time has long ago expired and suits were being stayed by the mufassal courts. Recently the Madras High Court has held that the Tenants and Ryots Protection Act will operate in respect of certain suits and in those cases in which deposits have to be made the ryots cannot deposit the rent because the time is over. The result is that all these suits are re-opened and revived and are being proceeded with. Thus we have got a number of suits for eviction in the mufassal coming under these two categories, namely, those in which the ryots are holding under tenure-holders which take the complication of mortgages and those who have missed the bus (who have not made the deposit) on account of the wrong impression prevailing in the mufassal courts. The Government should take stock of this situation and not merely mechanically ask for extending the life of the Act by one year or two years. They should take into account the defects, patent and latent. I request the Hon. Minister to look into these matters which oppress the tenants on account of the lack of correct wording of the Tenants and Ryots Protection Act. These are matters of considerable importance. So long as the Malabar Tenancy Bill is being put off, I think the Tenants and Ryots Protection Act will have to be in force. So much so, the Tenants and Ryots Protection Act is a matter of live issue for the tenancy of Malabar. This must be the occasion when Government should review the question and rectify the defects which have been brought about in view of the decisions of the High Court. The slumbering process of mere extension is hardly inexplicable."

SRI G. LATCHANNA :—" May I know from the Hon. Minister whether this Act will cover questions relating to the inam ryots whose occupancy rights are under dispute in view of the large-scale evictions made by many inamdars under the plea of the recent judgment of the High Court Division Bench? Will this Act in any way protect their occupancy rights? "

* SRI R. KRISHNAN :—" Mr. Speaker, Sir, ഈ ബില്ല് ഒരു കൊല്ലത്തക്കുകൂടി നിട്ടിവെക്കുവാൻ ബഹുമാനപ്പെട്ട മന്ത്രി കൊണ്ടുവന്നിട്ടുള്ള ഈ ഭേദഗതി സ്വാഗതാർഹമാണെങ്കിലും നിയമം നീട്ടിവെക്കുവാനുള്ള പരിതഃസ്ഥിതി സൃഷ്ടിച്ച ഗവണ്മെന്റിന്റെ നയത്തോടു യോജിക്കുവാൻ എനിക്ക് നിവൃത്തിയില്ല. ഇന്ന് ഒഴിപ്പിക്കൽ കേസുകൾ ഏറ്റു ചെയ്യുവാനുള്ളതാണ് ഈ ബില്ല്. കറേ കേസുകൾ ഏറ്റു ചെയ്തിട്ടുണ്ടെന്നുള്ളത് വാസ്തവമാണ്. ബഹുമാനപ്പെട്ട മെമ്പർ മിസ്റ്റർ കൃഷ്ണ അയ്യർ പറഞ്ഞപോലെ ഇന്ന് അനവധി കേസുകൾ ഏറ്റു ചെയ്യുകൊണ്ട് ഹോട്ടലുകളിൽ നിലവിലുണ്ട്. എന്നാൽ രണ്ടു കൊല്ലത്തെ പാട്ടുവാക്കി കെട്ടിവെച്ചാൽ മാത്രമേ ഏറ്റു ചെയ്യുവാൻ പാടുള്ളൂ. എന്നുള്ളതുകൊണ്ടു അനവധി കടിയന്മാർ

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[Sri R. Krishnan]

പാട്ടുവാക്കി കൊടുക്കുവാൻ കഴിയാതെ കൃഷിസ്ഥലം ഒഴിഞ്ഞുകൊടുക്കേണ്ടതായി വരുന്നുണ്ട്. വിളയുണക്കുംകൊണ്ടും വെള്ളപ്പൊക്കംകൊണ്ടും പാട്ടുവാക്കി കൊടുക്കുവാൻ കഴിയാതെ കൃഷിക്കാരെ ജന്മിമാർ പാട്ടുവാക്കിക്ക് ഒഴിപ്പിക്കാൻ കേസ്സ് കൊടുത്തു അവരുടെ ഭൂമികൾ കൈവശപ്പെടുത്തിയിരിക്കുന്നു. മാത്രമല്ല കൊടുത്ത പാട്ടുത്തന്നെ തന്നെ ജന്മിമാർ രജിസ്ട്രി കൊടുക്കാതെ ഒഴിപ്പിക്കൽ കേസ്സുകൾ കൊടുത്തുകൊണ്ടിരിക്കുകയാണ്. അതുകൊണ്ട് ഈ ബില്ലിന്റെ കാലം, നീട്ടനതോടൊപ്പംതന്നെ പാട്ടുവാക്കി ഉണ്ടെങ്കിലും ഒഴിപ്പിക്കൽ കേസ്സുകൾ സ്റ്റേ ചെയ്യണം എന്ന ഭേദഗതി കൂടി ഇതിൽ ഉൾപ്പെടുത്തണം എന്നാണ് എനിക്ക് അഭിപ്രായപ്പെടുവാനുള്ളതു്.

* SRI M. NARAYANA KURUP :—" Mr. Speaker, Sir, the difficulties experienced by the Malabar tenants were brought to the notice of this House when the Hon. the Minister answered a question but through the supplementaries I could not make myself clear and therefore I take this opportunity of explaining it. Section 4 of the Madras Tenants and Ryots Protection Act has to be read in conjunction with Sections 54 and 55 of the Malabar Tenancy Act. If a suit is stayed under Section 4 of the Tenants and Ryots Protection Act, the tenant has to make an initial deposit of two years' rent or the arrears of rent whichever is less and he must further continue to deposit the future rent as and when it accrues due. Of course, under Section 4, a time-limit has been prescribed for such deposits. Section 54 of the Malabar Tenancy Act says that the Tenants and Ryots Protection Act shall continue in force unless it is repealed by a notification in the *Fort St. George Gazette*. Section 55 is very wide in scope. It says that all suits shall stand stayed until the provisions of the Malabar Tenancy (Amendment) Act come into force. The courts have stayed generally all suits under section 55, including suits in which the tenants have to make a deposit under the Madras Tenants and Ryots Protection Act, 1949. The High Court has ruled that the courts have no jurisdiction to stay suits falling under the Madras Tenants and Ryots Protection Act and that the tenants must continue to deposit the rent. The tenants not depositing the rent was due to no fault of theirs. It was the courts that ordered the stay of the suits and therefore the deposit was not made. The time-limit fixed by section 4 has expired and straightaway the tenant has no remedy. When the Statute provides a time-limit, the discretion of the courts is fettered. It is a well known maxim that an act of court shall not prejudice anybody. Now the tenant is prejudiced because the courts have stayed suits and thereby prevented him from depositing the arrears of rent. This is a real difficulty for a large number of tenants. I hope the Government will take steps to give protection to the tenants. I believe that section 7 of the Madras Tenants and Ryots Protection Act can be availed of to remedy this difficulty, as it provides that if any difficulty arises in giving effect to the provisions of this Act, the State Government may do anything which appears to them necessary for the purpose of removing the difficulty."

11-10
a.m.

* SRI K. GOVINDA RAO :—" Sir, I have no objection to the passing of this Bill. I want to have some clarification as to how the Madras Tenants and Ryots Protection Act is being implemented

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in our parts. This Act came into force some time in 1949. In Visakhapatnam and Srikakulam districts, certain estates have been taken over and certain estates have yet to be taken over. I wish to be enlightened by the Hon. Minister as to how the tenants in the estates will be benefited by the operation of this Act. Certain inam villages have been declared as estates and some of them have yet to be acquired by the Government. I wish to know how the tenants in such estates will be benefited by the operation of this Act."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, the simple object of this Bill is to extend the life of the existing Act for one more year. The Act may have to be applied for four or five categories of estates—

(1) estates that have been notified and taken over, but in respect of which further action has been stayed by the High Court under the Estates Abolition Act;

(2) estates which have been notified but not yet taken over under the Estates Abolition Act due to stay orders of the High Court:

(3) estates that have not yet been notified at all;

(4) estates which became such by virtue of the Madras Estates Land (Amendment) Act, 1936; and

(5) other areas including Malabar.

With regard to Malabar, I realize the difficulties that were pointed out by the two hon. Members coming from that district. The land tenures are peculiar, the conditions are peculiar and everything is peculiar in Malabar, and it has to be treated in an altogether different manner. I want the help of the expert Members from Malabar in that matter. A Select Committee has been appointed and it is meeting next month. Whatever suggestions the hon. Members may make for framing the Bill on proper lines will be considered fully. That will be the proper occasion for considering and removing the difficulties of Malabar, and not the present occasion."

MR. SPEAKER :—" The question is—

'That the Madras Tenants and Ryots Protection (Amendment) Bill, 1953, be taken into consideration at once.'

The motion was put and carried.

Clauses 2 and 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I move—

"That the Bill be passed into law."

MR. SPEAKER :—" Motion moved—

'That the Madras Tenants and Ryots Protection (Amendment) Bill, 1953, be passed into law.'

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* SRI VAVILALA GOPALAKRISHNAIAH :—" Sir, I have the least objection to the passing of this Bill. There are several categories of estates as was pointed out by the Hon. Revenue Minister which will not come under the provisions of this Act. There is no sufficient protection for the tenants in the estates, and so the estates must be acquired by the Government as early as possible. The ryots in inam estates also do not have any protection and I request the Government to extend the provisions of this Act to the inam estates also. I appeal to the Hon. Minister to furnish us with information as to how many zamindaris will not come under the provisions of this Act, as then only we will be able to understand the Bill fully."

* SRI S. RAMALINGAM :—" Sir, the Madras Tenants and Ryots Protection Act was passed in 1949, and year after year since then the Government have come before this House for extending the life of the Act for one more year. I request the Government to take over all the estates, which yet remain to be taken over, before the end of this year. I hope that the Government will not come forward next year with a similar Bill."

* SRI PILLALAMARRI VENKATESWARLU :—" Mr. Speaker, Sir, I have no objection to the passage of this Bill. But when such Bills are brought forward, the Government do not care to supply all the relevant facts to the Members. The Hon. Revenue Minister himself has no idea as to how many estates have been acquired and how many yet remain to be acquired. The hon. Member Sri V. R. Krishna Ayyar pointed out that several difficulties were created by the courts also. Whenever such amending Bills are brought forward, we should be supplied with a review of the working of the parent Act. For want of such a review, we are under a serious handicap. Without furnishing any such information, an amending Bill is brought forward and we are asked to vote for it. Because the principle underlying the Bill is good and will do good to the tenant, we are supporting the Bill. But that does not mean that we are actually working the Act. In the course of working of this Act, many defects had been pointed out. Instead of rectifying those defects, the Hon. Minister has come forward for extending the life of that Act for one year. I ask the Government whether they have any definite idea as to when they will take over all the estates, and when they will have no need to come before this House for extending the life of the present Act. (Interruption.) Whatever may be the nature and scope of the Bill, let the Hon. Minister give us some information. Even without making a speech, the Hon. Minister wants us to accept the Bill. It is very wrong on the part of the Cabinet to come forward with a legislation like this. They must take legislation more seriously."

11-20
a.m.

* THE HON. SRI C. SUBRAMANIAM :—" If the Members take it seriously they will come prepared after having studied the

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Bill. (Interruption.) That is quite a different matter altogether. I would request hon. Members to take it more seriously rather than advise us."

* SRI K. KRISHNA RAO :—" Sir, the Leader of the House was telling us that we should be prepared. Well, I may tell you that I addressed a letter to the Revenue Department about some of these Bills."

THE HON. SRI C. RAJAGOPALACHARI :—" Sir, the remark can never apply to Mr. Krishna Rao (laughter). He always comes prepared."

* SRI M. NARAYANA KURUP :—" Sir, the Government have not realised our difficulties. But they are asking us to wait. This cannot wait till the Malabar Tenancy Amending Bill becomes law, because it will be too late then. If tenants are evicted meanwhile, and properties are taken away, that will create more complications. That will necessitate more retrospective legislation. Therefore, as I understand it, it is a matter of immediacy. So, I would request him to look into the matter and not go in for the Select Committee or go in for another Bill; because it will then mean locking the stable after the horse is stolen."

* SRI K. KRISHNA RAO :—" Sir, in regard to all these Bills extending the period of the Acts and also in regard to many technical Bills, we do certainly need a note from the Hon. Minister concerned. Many of them are absolutely new, and the Government cannot expect Members here to know about a Port Trust or about a requisitioned ground or about a canal, or irrigation cess, etc. The Government must give us some material on the basis of which they should expect us to accept these Bills. I do not think it is the intention of the Leader of the House that we should be dumb automata simply to leave things or to say yes or no. We also are expected to be intelligent. We are expected to be educated on these lines. We are entitled to get information on these matters from the Government. Therefore, let him not think that there has been remissness on our part. We have done our job, and it is the job of our Government to furnish us with all the information before they introduce a Bill."

* SRI S. VEMIAH :—" Sir, I wish to point out that the Government are not taking keen interest in the matter of the taking over of all these estates and inams. This piecemeal attempt on the part of the Government creates dissatisfaction in the minds of the ryots and peasants in the estate villages. Therefore, my humble suggestion is that the Government should come forward and expedite the taking over of all these estates and do justice to the peasants."

* SRI K. GOVINDA RAO :—" Mr. Speaker, Sir, I want one more point to be clarified. The Hon. Minister told us that in cases where there were stay orders in regard to estates which were

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yet to be taken over, this Act would be in operation. But my point is that there are what are called 1936 inams which come under the purview of the Rent Reduction Act, but which have not yet been abolished. Perhaps the Government may complete their consideration and come forward with a Bill to abolish inams. This is a thing to be done later. But so far as we are concerned, what is the position of the tenant? I want to know what is the protection that the tenant will have under the provisions of the Tenants and Ryots Protection Act in those villages which are called 1936 inams but which are not abolished. I want a clear and categorical answer to my question."

SRI V. R. KRISHNA AYYAR:—"Sir, I want to clarify a minor point. With all deference to the Hon. the Revenue Minister, I must say that there appears to be some confusion which is pardonable, because the Hon. the Revenue Minister thinks that everything about Malabar is peculiar, and, therefore, he does not care to go into the matter in all seriousness. The Tenants and Ryots Protection Act, which this Bill seeks to extend for another year, has stayed various suits without deposits. In view of the provisions in section 55 of the Malabar Tenancy Act, suits have been stayed even without deposits. Now, on account of the view taken by the High Court of Madras, all these cases are being re-opened, because deposit of rents has been made a condition precedent to the stay of the suit. The result is that several tenants are facing eviction suits. The Hon. the Revenue Minister stated that this matter might be taken up by the Select Committee. There is a confusion here in the understanding of the Ryots Protection Act and also of the Malabar Tenancy Act, and of the scope of the Bill. Directly when the Malabar Tenancy Act comes into force, the Ryots Protection Act would end in Malabar. The provisions of the Ryots Protection Act would automatically not be in operation when the Malabar Tenancy Amendment Bill becomes law. Therefore, the Amending Bill which is now before the select committee will not in the least affect the operation of the Ryots Protection Act now. The Ryots Protection Act will be in force only up to the time the Malabar Tenancy Amendment Bill becomes law. So, we are not to take the suggestions to be made in the Select Committee on the Malabar Tenancy Amendment Bill. That will hardly serve our purpose. We must have an immediate amendment to the Ryots Protection Act (so far as bona fide deposits are concerned) to the effect that even without insisting upon the condition of depositing two years' rent, eviction suits can be stayed. It will then be possible for tenants who are to be protected to stay on in their holdings without being bundled up before time."

*** SRI N. GOPALA MENON:**—"Sir, I just want to say a few words to clarify the doubts that have been expressed by some hon. Members opposite. It is no doubt true that under the Tenants and Ryots Protection Act the tenant has got to deposit two years' rent if he wants to stay proceedings. But, unfortunately, the tenant thought that with the deposit of two years' rent, he could

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continue to have the holding without making any further deposit or paying any further rent. The High Court recently clarified the position and said that the tenant had got periodically to make these deposits. If the provision in law has been misconstrued by the tenants, and it has been clarified by the High Court, the blame certainly cannot be attached to the legislation or to the Government. My friend Mr. Krishna Ayyar said that this had nothing to do with Malabar Tenancy Act, and the moment the Malabar Tenancy Amendment Act came into operation, the provisions in the Tenants and Ryots Protection Act would not apply. But there are provisions in the Malabar Tenancy Act for restitution of lands out of which tenants had been unfortunately evicted. There must certainly be a provision for restitution of lands to those tenants who have been evicted unduly under misapprehension of law or for any other reason. Therefore, it cannot be said that there is no connection between the Malabar Tenancy (Amendment) Bill which is now under active consideration of this Government and this Bill. I only wanted to clarify this slight misapprehension."

* SRI M. NARAYANA KURUP :—" Sir, the hon. Member argued to mean that the tenants deposited two years' rent and then discontinued depositing future rent. That is not the case. The Court ordered stay without ordering any deposit. Therefore, it was not the fault of the tenant or misinterpretation or misapprehension of the law obtaining, but it was the Court that had caused this suffering."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir. I may state at once that this Bill is not an Amending Bill but is only an Extension Bill. Therefore, we do not take stock of the working of the Act and make provisions if there are any defects found. As for the stay which requires two years' arrears of rent. I think it is but fair. I think the ryot himself will welcome it because if stay is given without payment of rent, afterwards he will find it very difficult to pay. I know, in many cases, ryots are prepared, when the money is available, to make deposits. So, deposit of two years' rent will be good both in the interests of the ryots and the landlords."

" With regard to some expected difficulty arising out of the Malabar Tenancy Act, as my hon. Friend pointed out, there is ample provision in the Malabar Tenancy Bill for meeting that difficulty. Even if it happened that the ryots are deprived of the land, there is scope for restitution. Therefore, the hon. Member need not worry about that."

" One of the hon. Members wanted to have some details. Sir, I have a rough idea of the estates taken over and not taken over. Only I do not have a correct idea so as to give the exact number. If I do not give the exact number, I will be found fault with. Therefore, I am afraid to give the number. I have a rough idea, not that I do not have."

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“ Coming to the point of the hon. Member, Sri Venkateswarlu, he forgets that as a Member of the Opposition he is supposed to be a watchdog of the proceedings of this House. If he fails to act as the watchdog, why should I help him? It is not for me to wake up an Opposition Member. He must be alert and must do everything possible as a watchdog. I cannot help him in that respect.”

MR. SPEAKER :—“ The question is—

‘ That the Madras Tenants and Ryots Protection (Amendment) Bill, 1953, be passed into law.’ ”

The motion was put and carried and the Bill was passed into law.

(5) THE TUTICORIN PORT TRUST (APPLICATION TO MANGALORE)
BILL, 1953.

* THE HON. SRI N. RANGA REDDI :—“ Mr. Speaker, Sir, I beg to introduce the Tuticorin Port Trust (Application to Mangalore) Bill^a, 1953, and move—

‘ That the Bill be taken into consideration at once.’

“ Sir, in moving this Bill, I would like to say a few words by way of explanation about the need for bringing in this Bill and about one or two important provisions of this Bill.

“ So far as the need for the constitution of a Port Trust for Mangalore is concerned, I may submit that the National Harbour Board, in accordance with the recommendations of Sri Nanjundiah, Special Officer appointed to go into the question of survey and development of minor ports, has recommended that a Port Trust just on the lines of the Tuticorin Port Trust be constituted for Mangalore inasmuch as the minor port of Mangalore is second only to Tuticorin and is one of the important minor ports in the Madras State. I may submit, for the information of the hon. Members, that there are two kinds of ports in the Madras State, namely, major ports like Madras and Visakhapatnam which are under the administrative control of the Indian Union and minor ports which are under the management or control of the State. So far as this Bill is concerned, I may straightaway mention that there cannot be any dispute with regard to the principle, namely, that a Board of Trustees should be constituted for managing the minor port of Mangalore. At present, all the members are nominated under a Central Act. But, it is proposed under this new Bill that some sort of local autonomy should be given and that some representation should be given on this Board to the Mangalore Municipal Council and other trading interests in Mangalore. Therefore, I do not think that hon. Members would require an elaborate explanation as to the need for the constitution of this Board. I may also submit that the present Conservancy Board has not got very important powers. Their powers are very limited. But the Board that

^a Published in the Fort St. George Gazette, dated 15th April 1953.

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is now proposed to be set up would have larger powers of sanctioning works. Therefore, the Board which is proposed to be set up under this Bill would satisfy the people to a very great extent. I may also submit that the trade at Mangalore Port has been flourishing, and the South Kanara Chambers of Commerce has been agitating for the constitution of a Port Trust for a very long time. It is in response to the demand of the South Kanara Chamber of Commerce and various other representations that the Government have introduced this Bill.

“ So far as the constitution of the Board is concerned, clause 5 of the Tuticorin Port Trust Act says that the strength of the Board would be not less than 13 and not more than 17. The present Bill proposes the introduction of an elective element, as it were, providing for 8 members, and it also provides for some nominations. Therefore, this is not a controversial measure and I hope that hon. Members would not take much time over the discussion of this Bill. I move that the Bill be taken into consideration at once.”

MR. SPEAKER :—“ Motion moved—

‘ That the Tuticorin Port Trust (Application to Mangalore) Bill, 1953, be taken into consideration at once.’ ”

* SRI K. KRISHNA RAO :—“ Mr. Speaker, Sir, this Bill relates to Port Trusts and we are asked to adopt an Act which was framed in 1924 when the British Government were here and an Act which was passed in 1908 when the British were here. One of the great efforts of the British was to see that the entire export trade in our land, the entire shipping, storage and other facilities, were in the hands of European merchants. That is why they saw to it that most of these Port Trusts were manned by Europeans under the guise of a Bengal Chamber of Commerce, or under the guise of perhaps a Madras Chamber of Commerce, and things like that. They also saw to it that these Port Trusts were essentially manned by elements nominated by the Government. Their idea was that they should consist firstly of European merchants, and secondly of Europeans nominated by the Governor, because till very recently all Governors were British Governors. Therefore, they wanted to see that these Port Trusts were a white man's monopoly or British monopoly and nothing more. It was a great struggle to the Indian businessmen to get control over the Port Trusts and most of them perhaps are not finding their places in the current national struggle. But all the same, it is a very big struggle, because let us understand what strategic position a Port Trust holds. Round about the port, there is some land and a good portion of it is given to the Port Trust. Now, whoever has got godowns built upon this land or whoever has got storage facilities thereon is in a very strategic position, and it not infrequently happens that most of these godowns and storage facilities are in the hands of very big British concerns. So, the effect of the Port Trusts being in the hands of Europeans has been disastrous on our trade and commerce. Because the storage facilities are in the hands

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of European businessmen and because the entire shipping trade is in the hands of the British, what happens is that they encourage only British exports, British export houses and British gentlemen like Volkart Brothers. They do not encourage any Indian concern which wants to export goods from India and import goods from abroad. The result of it is that English businessmen have a tight monopoly grip over our trade in India and even over our economy.

“ The second point is that because of this monopoly, the Indian banks do not have any kind of facilities for clearing or discounting bills of lading. So also Indian fire and marine insurance companies are put to a lot of trouble. They do not get much business because the business is mostly monopolized by the British fire and marine insurance companies. Most of these shipping concerns who act as intermediaries between the shipping men and the banks do not accept any kind of fire and marine policy which is underwritten and which is given by an Indian fire and marine insurance company. That has been the struggle all along.

“ Now, we will have to go into all the provisions of the Act of 1924. There is no good ourselves adopting a Bill which was framed in 1924 and which was intended to encourage British business. Now, because it has been very emphatically said that we have attained nationhood and independence, we must also see that the shackles which the British commerce lays over our economy and over Indian businessmen are removed. We must see that full scope, freedom and liberation are given to Indian businessmen and Indian commerce generally to prosper, and in fact, to get preference. We must see that any efforts made by the British interests to create obstacles to the growth of Indian trade are curbed. If that is to be done, one of the immediate things is to see that the Port Trusts are manned entirely by our men. The Tuticorin Port Trust Act was enacted in 1924. Therefore, if the Government here wanted to show that they were an Indian Government and not a Government in any way influenced by the British, what they should have done was to change the Tuticorin Port Trust Act itself. In fact, the Government of India should have taken steps to get the Madras Port Trust Act amended. Instead of that, we are asked to take a copy of the Bill of 1924 which was intended to shackle Indian business, and adopt it for Mangalore also. This, I say, is wrong because we are under new conditions. We do not have the same old Governors and the same old Executive Council Members, but we have now a Legislative Assembly and a Ministry responsible to the Legislature. Under these circumstances, it was very wrong of the Government to have asked us to adopt without question the 1924 Act, which was intended for protection of interests other than Indian interests, for Mangalore. They should have gone into the whole question afresh and made suitable modifications.”

11-40
a.m.

* SRI T. ANANTHA PAI :—“ Mr. Speaker, Sir, I am glad that the Government, in response to the considerable public opinion as represented by the various business bodies like the Kanara

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Chamber of Commerce, have at last come forward with a Bill to create a Port Trust for the port of Mangalore. At the same time, the explanation that has been given in a Note circulated to the Members has created certain misapprehensions in our minds. It is true that the National Harbour Board, in accordance with the recommendations of Mr. Nanjundiah, recommended to this Government the creation of a Port Trust for Mangalore. But, Mr. Nanjundiah had made it very clear that this Port Trust must not be saddled with any responsibility or liability from the very beginning. In fact, certain experiments are now being carried on in Poona, the cost of which is very likely going to be debited to this Port Trust if the Government do not make their intentions clear from the very beginning. Otherwise, it would not be quite fair for the Port Trust to commence its work of managing the port with its own resources and with this liability added on to it. I say this because in the Note that has been circulated it is said that the formation of a Port Trust at Mangalore will itself give the people of Mangalore the opportunity to develop their port with their own resources. It might mean that the Government think that all the development that should take place in Mangalore in future is the responsibility of the citizens of Mangalore and not that of the Government. That might be the interpretation and it is supported by a further Note to the following effect :—

‘ Further, number of works estimated to cost in all Rs. 7,25,000 for the improvement of the port are now under consideration. The need for the creation of a Port Trust for the administration of the port has been greater than ever before.’

That means that because of this expenditure which is now likely to be incurred to improve the port, the creation of a Port Trust has become necessary. I only say that it is not fair to the Port Trust that is to be created. The development of the port has nothing to do with the creation of a Port Trust. If the trade requires it or if the trade requires facilities to be provided for the development of a port, that is a responsibility which the State has to take upon itself. But the creation of a Port Trust does not mean that that responsibility should be transferred to the citizens. The citizens themselves, whatever be the name given to it, whether it be a Port Trust or municipality, will not be able to take up the responsibility unless the State also feels the responsibility and gives them assistance throughout. I request the Government to consider this factor very seriously because, if the creation of the Port Trust means that the responsibility for the improvement of the port in future will be the entire responsibility of the Port Trust and that the Government will not be able to come forward with financial help, I am afraid this Port Trust will not help the development of the port or help to make the people take up this responsibility.

“ So far as the amendments are concerned, I do not see any need for amending the Bill as it is. For one thing, even if the Tuticorin Act was passed in 1924, the provisions incorporated here are not going to make any difference so far as Mangalore is concerned. Of course, an hon. Member opposite has referred to the

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possible infiltration of British domination over the port of Mangalore. But I have to make it very clear that we in South Kanara are not affected by any British phobia and we are not afraid of any British association with us. We are thankful to all the English firms that are operating in Mangalore and working in close co-operation with us, and we look forward to continued co-operation from them, so long as this does not affect the overall foreign relations of our country. It has also been suggested that representation must be given to people who are interested in trade. I feel that adequate representation has been provided for the Kanara Chamber of Commerce which has on its rolls practically every merchant and everybody who is interested in trade in Mangalore. On the whole, the provisions of the Bill will adequately cover various interests. So, I think the Bill may be passed as it is without any amendments."

11-50
a.m.

* SRI B. VAIKUNTA BALIGA :—“ Mr. Speaker, on behalf of the people of Mangalore, I wish to express our gratitude to the Government for having brought forward this measure. I am saying this, because this is something for which the people of Mangalore have been agitating for the past several years. I can undoubtedly and unhesitatingly say that it has come a little too late and not too early. Because, for the past several years, the port of Mangalore has not received the attention that it richly deserves. I might remind the House that, during the past years, there has been a fairly large surplus amount from the port of Mangalore which was diverted to the Common Fund along with the surpluses of other ports which ultimately were diverted by the Government towards the general revenues. It is something which ought to have been used and utilized for the Mangalore Port and other minor ports. Instances of this kind have been making the people of Mangalore feel that a Port Trust would serve them better. To mention a few amenities that are absolutely essential for the port of Mangalore, river dredging has to be attended to, and a lot of silt which has accumulated for decades and has remained there unattended thus rendering the port less useful than before has also to be cleared. Facilities for passengers, especially for those passengers who have got to go a long distance to reach the steamer which will be far away in the ocean are very meagre. For the goods that are landed, shelter is practically nil with the result there has been considerable suffering which could have been avoided. I do not want to go into greater details regarding the many other instances which have led the people of Mangalore to ask for a Port Trust. No doubt, it would have been better and proper if a separate Bill by itself had been brought forward in respect of Mangalore instead of referring to a Bill on Tuticorin of the order of 1924 or thereabouts. Perhaps it was only with a view to minimising the work, this has been done like that. Certainly, this criticism, this adverse criticism, could have been avoided. After all, as I feel it, the manner of doing it is not so important because when the Port Trust comes into force, it will serve the area, irrespective of the fact whether this Bill is put separately or Mangalore is included with the provisions relating to Tuticorin, as is done now.

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"With regard to the fears expressed by hon. Member Sri Krishna Rao coming from Nellore, I join Mr. Pai in affirming before the House that we do not have the trouble of the kind that he has mentioned. But all the same, so far as the constitution of the Board of Trustees is concerned, the Hon. Minister has mentioned that there is going to be election also. Several of these seats are going to be thrown open for election and representation by the Chamber of Commerce, Western India Tiles Manufactures' Association; and the Municipal Council will be given representation. Over and above these seats for the various institutions, nominations will be made by the Government. So, the Government of the day or the party in power at any particular time, will take care of the other interests which will not be attended by these representatives. In short, I wish to support this Bill and request the Government to look after this Bill and also put in proper safeguards to which mention has been made by hon. Member Sri T. Anantha Pai. It will be an infant institution and the Government should not make it carry too much of burden which can legitimately be avoided. The Government must bless it so that the people of Mangalore may husband their resources to their advantage. When Mangalore Port is administered properly, it will be very helpful; and other ports, I must say, will follow suit. It will mean relieving the burden of the Government to some extent and result in making us organized for our own betterment and especially in giving facilities to the people all round. Sir, I once again welcome this Bill and request all the hon. Members to support it unanimously and without any dissension."

* THE HON. SRI N. RANGA REDDI:—"Sir, I am indeed grateful to the hon. Members coming from South Kanara for having supported the various provisions of this Bill. They have dispelled the apprehensions raised by hon. Member Sri Krishna Rao with regard to some of the provisions. I may straightway say that I cannot agree with Mr. Krishna Rao when he said that whatever was done during the days of the British rule is bad, and that it should be revised. There are good things and there are bad things. If any particular thing is bad, it is for us to find out how it is bad and how best it can be rectified. Now let us see whether the criticism of Mr. Krishna Rao is justified. Is this Bill going to support the British elements? Or, is this Bill going to support the Britishers in any way? Will this Bill in any way promote their trade interest? I say for all these questions, 'Not at all, Sir'. The hon. Members from South Kanara have said that there is no British element and that no Britisher is interested in this Bill. There is none of them who will profit by the Bill. I may submit that the constitution of the Board is a sufficient guarantee that no British interest will be allowed to come in. Eight members are to be elected by the various elective bodies. For instance, we have the Mangalore Municipal Council or the South Kanara Chamber of Commerce. What sort of British interest can the hon. Member expect to be in these institutions? With regard to the Western India Tiles Manufactures' Association, it will also be represented by its representatives. As

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regards the nominated elements, three of them will be officials. One will be the Collector of South Kanara, the other will be the local Superintendent of Customs and the third will be a representative of the Southern Railways. None of them are going to support the Britishers. Again, under section 5, it will be seen that one of the trustees will be a representative of the trade unions. Therefore, I submit that there is no reason to suppose that this Board of Trustees will in any way be inimical to the interests of the Indians. I have nothing more to add. I request that this Bill may be taken into consideration at once."

MR. SPEAKER :—" The question is—

' That the Tuticorin Port Trust (Application to Mangalore) Bill, 1953, be taken into consideration at once.' "

The motion was put and carried.

Clause 2.

* THE HON. SRI N. RANGA REDDI :—" Sir, I move—

' For sub-clause (2), substitute the following :—

" (2) *The Tuticorin Port Trust Act, 1924 (Madras Act II of 1924), with the adaptations and modifications set out in the Schedule, incorporated in the said Act, shall be called the Mangalore Port Trust Act, 1953. A copy of the Mangalore Port Trust Act, 1953, shall be prepared by the Secretary to Government, Legal Department, and published in the Fort St. George Gazette.*" "

12
noon.

In moving this amendment I would like to make a few observations. I am indeed grateful to the hon. Member, Mr. Krishna Rao, for having brought to the notice of the Government that the original clause as it stood in the Bill was liable to be misunderstood that it would be a question of delegation of power to the Secretariat for preparing a Bill. Sir, it is only an administrative direction which was given to the Secretariat to prepare the Bill with the adaptations and modifications set out in the Schedule and in the note circulated yesterday to hon. Members this explanation has been given and I hope Members will be satisfied with it."

MR. SPEAKER :—" The question is—

' For sub-clause (2), substitute the following :—

" (2) *The Tuticorin Port Trust Act, 1924 (Madras Act II of 1924), with the adaptations and modifications set out in the Schedule, incorporated in the said Act, shall be called the Mangalore Port Trust Act, 1953. A copy of the Mangalore Port Trust Act, 1953, shall be prepared by the Secretary to Government, Legal Department, and published in the Fort St. George Gazette.*" "

The amendment was put and carried.

Clause 2 as amended was put and carried.

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Schedule.

* SRI K. KRISHNA RAO :—" Sir, I move—

In paragraph 2 of the Schedule, the following may be added in the Table :—

" Section 5—For sub-section (2), substitute the following :—

All the trustees shall be citizens of India, of whom at least three shall be persons engaged in sea-borne trade at Mangalore and not more than one-sixth may be Government officials.

Section 6—Instead of the words ' one Trustee ' in sub-section (3), substitute the words ' two Trustees ' and at the end of sub-section (3), add the words ' such election being conducted by secret ballot and even when there is no contest, a person being deemed to have been elected if he obtains an absolute majority of the votes of members present at the meeting when there is no contest '."

Sir, the strength of the Port Trust is between 13 and 17 and the original section says that one-third of the members may be nominated by the Government. What my amendment seeks to do is that that one-third should be reduced to one-sixth because the days of nomination by Government are gone. They were days when the Government said that we were still suckling babies, that we did not know anything of public affairs and that we could not manage our own affairs. It was in such days that there was one-third nomination and the idea to day is old-fashioned and antiquated. I say that it should be made one-sixth.

" There is another provision with regard to which I want to say a word. In the original Act, it is said that not less than one-third shall be Indian nationals. That is what is clearly laid down in the Act. My point is that there should be no place for any one on the Trust who is not a citizen of this country. The Government may alter the provision or may not alter it. From the note which is circulated by the Government it is clear that the exports from Mangalore are coffee, coir and things like that. We know that the coffee trade is largely dominated by European interests and European planters and we do not want any European interests to be there on the Trust. In the Tuticorin Port Trust Act, it is made compulsory that there should be a third of Indian nationals. Now I say all must be Indian citizens.

" Then about representation for trade unions, the procedure at present is this. The trade unions will be asked to select three persons and submit a panel. From out of those three, the Government will select one. My contention is that position was all right in 1924 when the working class in South India or in India was not awakened and was not alive to its own responsibilities. Therefore, I have suggested there should be two people who should be taken into the Port Trust from among those working in the ports. There

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should be two representatives. I have also said that these representatives should be elected at meetings and if there is no contest, there should be a ballot-box and the man should be deemed to be elected only if he secures an absolute majority of the members present at the meeting. Otherwise, what happens is these elections become just faked up ones. They just keep only one man, forcing any other keep away from the election and is said to be returned unopposed. These are the amendments I have proposed and they seek to adapt the existing provisions of the Act to present conditions. In the past, Sir, Municipal Councils had nominated elements. We had lived that day. We have passed those days, when people thought that unless there was a Collector at the head of a district, the whole administration would go to rack and ruin. The Port Trust should be an autonomous body and the people of the locality should have representation. You can give representation to the businessmen of the locality. You can give representation to the Chambers of Commerce, to the trade institutions there. Make the Port Trust more and more autonomous. By my amendment, I want the nominated element to be cut down and the elected element to be increased."

The amendment was duly seconded.

* SRI S. RAMALINGAM :—" Sir, I move—

' Insert the following in paragraph 2 of section 6 (2) (a) of the Act :—

" (iv) Members of the Legislative Assembly from South Kanara district—Two trustees.

(v) Port workers—One trustee "'

Sir, the Hon. the Minister was pleased to say that the Port Trust will have larger powers in the administration of the port and will practically be an autonomous body subject to the general control of the State Government. On the formation of the port, the Members from the district should have an opportunity to develop their port. Therefore, I have said that the Members of Legislature from South Kanara should be given two seats. So also in the case of workers who work in the port. They should have a share in the administration of the port and all other connected matters. I think the Government will accept the amendment."

* THE HON. SRI N. RANGA REDDI :—" I am sorry I cannot accept the amendment of Mr. Ramalingam. The Bill itself provides for one representative for the trade unions and it should satisfy my friend. There need not be any greater representation for the trade unions. My hon. Friend, Mr. Krishna Rao, has suggested that the Port Trust is being dominated by official elements and that the official elements should be cut down. Let me tell him that Mr. Nanjundiah who was deputed by the National Harbour Board to enquire into the conditions of development of minor ports in the Madras State paid the very highest compliments so far as Madras was concerned that

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the administration of minor ports in the Madras State was very good. I do not say that on that account we should retain the official elements. Even at the time of the introduction of the Bill I have submitted that, as far as possible, nomination would be confined to those interests concerned and if I had not mentioned the details, I would like to mention them now so that the hon. Member may be satisfied.

“ So far as the nominations are concerned, there will be two persons engaged in sea-borne trade in Mangalore; they will be one to represent the interests of the country craft owners and the other to represent the steamers carrying cargoes and passengers from Mangalore Port; the other three officers I have already mentioned.

“ My hon. Friend has suggested that so far as coffee planters are concerned, they are mainly Europeans and if nomination is given to that particular interest, it will be dominated by the European elements. I may submit, Sir, that so far as coffee planters are concerned, they have been working in very close contact with the South Kanara Chamber of Commerce and there is no question of the South Kanara Chamber of Commerce being dominated by these planters and after all it will be the South Kanara Chamber of Commerce that will have a dominating voice with regard to these matters. Therefore, I submit, Sir, there is no reason to fear that the Europeans will have a dominating voice in this Port Trust. So I oppose both the amendments moved by the hon. Sri Krishna Rao and also by Mr. Ramalingam.”

SRI K. KRISHNA RAO :—“ May I know, Sir, whether the Hon. Minister is opposing even that amendment which says that all the trustees shall be Indian Nationals? ”

* THE HON. SRI N. RANGA REDDI :—“ Sir, Government have felt that there is no need to have that amendment at present. We are making provision for the applicability of the Tuticorin Port Trust Act to the Mangalore Port Trust also. There is no necessity for the amendment now.”

The amendments of Sri K. Krishna Rao and Sri S. Ramalingam were, by leave, withdrawn.

The Schedule was put and carried.

Clause 1 and the preamble was put and carried.

THE HON. SRI N. RANGA REDDI :—“ I move—

‘ That the Tuticorin Port Trust (Application to Mangalore) Bill, 1953, as amended, be passed into law.’ ”

MR. SPEAKER :—“ Motion moved—

‘ That the Tuticorin Port Trust (Application to Mangalore) Bill, 1953, as amended, be passed into law.’ ”

* SRI K. KRISHNA RAO :—“ Sir, I take this opportunity to request the Government to develop these ports, because the most

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neglected things in our country are the ports, though South India had been a maritime power in the past—there is a very long history about it. Though there may be a Madras here, a Cochin there, a Visakhapatnam there or a Calcutta there, many of the minor ports have not been developed and they have been left in a neglected condition. Now that Mangalore is going to be developed. I hope this would be a prelude for the development of similar ports in Andhra and in all parts in the East Coast also. If we do that, I think there is very great scope for the improvement of our industries and agriculture in most of the coastal regions. There are some most neglected regions, something akin to agency areas; nobody goes there, nobody knows the woes of the people there. Only when people go and settle there in large numbers that you would improve the sea coast and maritime trade. I hope the Government would try to see that the Mangalore Port develops and also to develop the Indian industry and commerce in those areas."

* SRI VAVILALA GOPALAKRISHNAIAH:—"I am thankful and grateful to the Chair for giving me an opportunity to support the Bill. I want to bring to the notice of the Government two facts. That is, the Kakinada Port requires a Port Trust. Of course, the Hon. Finance Minister and the Hon. Chief Minister may say that 'you are going to have a province, you can do everything to improve Kakinada.' But that is not enough. My other submission is that passengers who want to go to Burmah should be picked up either at Kakinada or at Visakhapatnam. Thousands of people are going to Calcutta or Madras, get themselves into many complications and finally go back to their houses without being able to go to Burmah or other countries. These places are about 500 miles from Andhra area. There is a sea coast of 500 miles in Andhra. There are some ports, especially like Kakinada and Visakhapatnam ports. But passengers are not picked up there. I submit that Government should strive to make the cargo and other ships stop at Visakhapatnam or Kakinada and pick the passengers who want to go to Burmah or anywhere else without putting them to unnecessary trouble or expenditure. I support this Bill wholeheartedly."

* THE HON. SRI N. RANGA REDDI:—"Sir, I would like to assure my hon. Friend, Mr. Krishna Rao that the development of minor ports would be taken up consistent with the financial position of the Madras State. I may also state that the Madras Government have pressed for a particular portion to be given from the centre by way of interest-free loan, so that that amount can be utilized for the development of minor ports. So far as the Mangalore Port itself is concerned, the House would see that nearly Rs. 7 lakhs has been proposed for the improvement of the port. Similarly consistent with our financial position, the minor ports of the Madras State will be attended to. I think the House would be satisfied with the assurance given by the Government."

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MR. SPEAKER :—“ The question is—

‘ That the Tuticorin Port Trust (Application to Mangalore) Bill, 1953, as amended, be passed into law.’ ”

The motion was put and carried and the Bill was passed into law.

(6) THE MADRAS PRESERVATION OF PRIVATE FORESTS
(AMENDMENT) BILL,^a 1953.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—“ I beg to introduce the Madras Preservation of Private Forests (Amendment) Bill, 1953, and move—

‘ That the Bill be taken into consideration at once.’

“ Sir, this Bill is necessitated in this manner. Now in Malabar and South Kanara districts, there are blocks of forests of more than a hundred acres which are situated contiguously and protected from indiscriminate felling of trees. In the working of the Act, some difficulties were found. That is, the owners of these forests circumvent the law by leasing out or mortgaging and also when there are joint-holders and when there are different claimants to it, they take advantage of that and the purpose of the law is defeated. Now it is sought to amend the Act so as to bring the indiscriminate felling in areas under 100 acres under the purview of the law. There is another provision with regard to the date. The Act provides that any alienation of private forest on or after the 16th August 1916 shall be null and void. Some new forests may come into existence and we have altered the date suitably. Therefore, this amending Bill is necessary. I request the House to take the Bill into consideration at once.”

MR. SPEAKER :—“ The motion before the House is—

‘ That the Madras Preservation of Private Forests (Amendment) Bill, 1953, be taken into consideration at once.’ ”

* SRI VAVILALA GOPALAKRISHNAIAH :—“ Mr. Speaker, I move—

‘ That the Madras Preservation of Private Forests (Amendment) Bill, 1953, be referred to a Select Committee.’

Sir, I think my friends from Malabar will be able to speak more exhaustively on this subject than myself. We are not able to understand the implications of this amending Bill. While supporting my amendment, I leave the details to my friends from Malabar.”

SRI T. C. NARAYANA NAMBIAR :—“ Sir, I second the amendment moved by my hon. Friend Sri Vavilala Gopalakrishnaiah.”

* SRI R. KRISHNAN :—“ Mr. Speaker, Sir, ബഹുമാനപ്പെട്ട മെമ്പർ ശ്രീ വാവിലാല ഗോപാലകൃഷ്ണൻ ഭരണകാലത്തെ ആൻഡ് സപ്ലാമെന്റ് ചെയ്യുകയാണ്. മലബാറിലെ സ്ഥിതി ആലോചിക്കുകയാണെങ്കിൽ നിലവിലുള്ള വനസംരക്ഷണ നിയമങ്ങൾ നമ്മുടെ വന സമ്പത്തു രക്ഷിക്കുവാൻ കട്ടിത്തന്നെ പര്യാപ്തമായിട്ടില്ല. ഈ ബില്ലിന്

28th July 1953]

[Sri R. Krishnan]

ഗവൺമെന്റ് കൊണ്ടുവന്നിട്ടുള്ള ഭേദഗതികൊണ്ട് 100 ഏക്കറിൽ അധികം വരുന്ന വനങ്ങളെ രക്ഷിക്കുവാനുള്ള ഉദ്ദേശമുണ്ടെങ്കിൽ ഇതിന് മുന്പുതന്നെയുള്ള നിയമങ്ങൾ പ്രകാരം പരിനായിരുന്നെങ്കിലുള്ള ഏക്കർ ഒന്നിച്ചു കിടക്കുന്ന വനങ്ങളെ രക്ഷിക്കുവാൻ അവർക്ക് സാധിച്ചിട്ടില്ല. ഈ വനങ്ങളുടെ ഉടമകൾ എത്ര ആയിരം ഏക്കർ ഉണ്ടെങ്കിലും ഒന്നിച്ചു കരാറു കൊടുക്കുന്നു. ഈ കരാറു അനുസരിച്ച് ഉലിയ മരങ്ങൾ മാത്രമെ വെട്ടുവാൻ നിവൃത്തിയുള്ളതെങ്കിലും ഡിപ്പാർട്ട്മെന്റിന്റെ അനുമതികളും ഭേദഗതികളും കാരണം ഈ കാടുകളിൽനിന്നും എത്രയോ മരങ്ങൾ മുറിച്ചുപോകുന്നുണ്ട്. അതുകൊണ്ട് ഈ ഭേദഗതി കൊണ്ടുമാത്രം നമ്മുടെ വനങ്ങളെ രക്ഷിക്കുവാൻ തീർച്ചയായും സാധ്യമല്ല. ഇന്നുള്ള പ്രയത്നം വനങ്ങൾ, 100 ഏക്കറിൽ കൂടുതൽ ഉള്ള വനങ്ങൾ മുഴുവനും ഗവൺമെന്റ് ഫോറസ്റ്റ് കൾ ആക്കുകയാണെങ്കിൽ മാത്രമെ ഈ വനങ്ങളെ രക്ഷിക്കുവാൻ സാധിക്കുകയുള്ളൂ എന്നാണ് മലബാറിന്റെ അനുഭവം. കാരണം ഗവൺമെന്റ് ഫോറസ്റ്റ് കളിൽ മാത്രമാണ് ഇന്ന് പ്രാധാന്യമായ വന സംരക്ഷണം നടപ്പിൽ വന്നിട്ടുള്ളത്. പ്രയത്ന ഫോറസ്റ്റ് കൾ ടീവൽസംഭാരം നടപ്പിലാക്കുകയോ പാർക്കായാണ്. എന്റെ നിയോജകമണ്ഡലത്തിലും എന്നുവേണ്ട പാലക്കാട് താലൂക്കിൽതന്നെ ജന്മിമാരുടെ വനങ്ങൾ മിക്കവാറും നശിച്ചുകഴിഞ്ഞിരിക്കുകയാണ്. കാരണം ഉടമസ്ഥന്മാരുടെ അനാസ്ഥകൊണ്ടും ഡിപ്പാർട്ട്മെന്റിന്റെ ഭേദഗതികളൊന്നും വനങ്ങൾ നശിച്ചു കൊണ്ടു വരികയാണ്. കൊച്ചിൻ ഫോറസ്റ്റ് നിയമം നമുക്ക് ഒരു മാതൃക ആയിരിക്കണം എന്നാണ് എനിക്ക് പറയാനുള്ളത്. ഇത്തരത്തിലുള്ള നിയമനിർമ്മാണം നമുക്ക് ആവശ്യമാണ്. കൊച്ചിയിൽ ഉള്ള നിയമത്തിൽ ഞാൻ കാണുന്ന ഒരു തകരാറു് ആ വനങ്ങളുടെ അടുത്തു് താമസിക്കുന്ന കൃഷിക്കാർക്കു് കാടുകളിൽനിന്നു് അല്പം വീരകം എടുക്കുന്നത് ആ നിയമം തടസ്സപ്പെടുത്തിട്ടുണ്ടു് എന്നുള്ളതാണ്. അത്തരത്തിലുള്ള നാട്ടുകാർക്കു് അനുകൂലമല്ലാത്ത വ്യവസ്ഥകൾ ഒഴിവാക്കിക്കൊണ്ടു് കൊച്ചിൻ ഫോറസ്റ്റ് നിയമം അനുസരിച്ചു് ഒരു നിയമം ഇവിടെയും കൊണ്ടുവരണം എന്നാണ് എനിക്ക് അഭിപ്രായപ്പെടുവാനുള്ളതു്. ”

SRI T. C. NARAYANA NAMBIAR :—“ Sir, in rising to support the amendment, I wish to say a few words. I come from a constituency where there are vast forests and the Government have brought forward this amending Bill to stop illicit felling of trees. It is not as if illicit felling of trees is resorted to for want of a provision in the Act. It is due to lack of co-operation on the part of officers who purposely do not book the people or take cognizance of the offence of illicit felling, by taking bribes. Sir, mine is a constituency where fugitive cultivation is the mainstay of the people. In between the blocks of forests, there are arable lands and I can show many instances where fugitive cultivators are not permitted to cultivate. Another point is, even though the landlords have got vast lands, as my comrade Mr. Krishnan put it, these forests are kept under the ownership of big landlords. As the forests are the national wealth, some legislation will have to be introduced in this regard. As all these cannot be discussed on the floor of the House, I support the amendment referring the Bill to a Select Committee.”

* DR. K. B. MENON :—“ Mr. Speaker, Sir, I accept the invitation of the mover of the amendment to support his amendment. It is a big problem that affects the whole of Malabar which is full of hills and mountains. It is our experience that these forests are not taken good care of and that trees are illicitly cut. When I raised this in a supplementary question, the Hon. Chief Minister evaded the issue. I do not believe that it was a purposeful evasion. But whatever that be, it is a fact that illicit

[Dr. K. B. Menon]

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cutting of trees by capitalist interests, apart from the poor people, doing it for their day-to-day use is going on on a large scale in the forests of Wynaad and adjoining areas. We do not mind the poor people taking their daily needs from the forests. It is said that the forest laws in Cochin State allow certain amenities to the people. It is a fact and I believe the Government of Madras also would consider giving some of those amenities to our people. It must be considered very carefully for some people may take undue advantage of these concessions and abuse them. Whatever that be, one cannot but point out that the forest laws are not properly enforced, that there is large scale illicit cutting in these forests, that there is not replanting of trees and that the forests in Wynaad and the adjoining areas are being denuded to the extent that there is erosion. Recently a member of the Board of Revenue visited Wynaad in connection with the study of the colonization schemes and we were told that he was also considerably impressed by the denudation of forests in those areas.

12-30 p.m. "In the amendment before the House we have asked for a Select Committee to be appointed in order to go into that problem in detail. If we do not get sufficient votes in the Assembly to carry our amendment through, I would request the Government to take note of what we have said and at least appoint an expert committee which would go into that question in full, study the problems carefully and save the forests of South India."

SRI C. H. KANARAN:—"Mr. Speaker, Sir, Forest Preservation Act സംബന്ധിച്ച് അത് ഒരു സെലക്ട് കമ്മിറ്റിക്ക് അയക്കണം എന്ന അഭിപ്രായത്തെ ഞാൻ പിൻതാങ്ങുന്നു. മലബാറിനെ സംബന്ധിച്ചേടത്തോളം ഇത് വളരെ പ്രധാനപ്പെട്ട ഒന്നാണ്. Estate Ghats എന്ന് പറഞ്ഞാൽ മുമ്പാറാ ഫോറസ്റ്റ് പ്രദേശമാണ്. രണ്ടു തരത്തിലുള്ള വിഷമതകൾ ഇന്നു നിലവിലുണ്ട്. ഇന്നു കാടുകളിൽ ഇക്കാരണത്താൽ മരം മുറിക്കുകയും ആവക സ്ഥലങ്ങൾ തരിശാക്കിയിടുകയുമാണ് ചെയ്യുന്നത്. ഈ നില തുടരുകയാണെങ്കിൽ ഫോറസ്റ്റ് എന്നുള്ളത് ഇല്ലാതാകും. എന്തിനെയൊന്നും ഈ കാട് കണ്ടല്ലാം മരം മുറിച്ചു തരിശാക്കി മാറുവാൻ സാധിച്ചത് എന്നു നോക്കുകയാണെങ്കിൽ (വലിയ കച്ചവടക്കാരും) പ്രധാനപ്പെട്ട ഉദ്യോഗസ്ഥന്മാരും കൂടിചേർന്നുകൊണ്ട് എന്തു ചെയ്യാൻ സാധിക്കും എന്നുള്ള നിലയാണ് മലബാറിലുള്ളത്. ഈ രാജ്യത്തിൽ വലിയ മരക്കച്ചവടക്കാരായ ആളുകൾക്ക് ലക്ഷക്കണക്കിനുളള ഉറപ്പികളുള്ള മരം വീട്ടി വാനുള്ള സാധ്യതകളുണ്ട്. അതേ സാധ്യതയ്ക്ക് ചെറിയ ചെറിയ തോതിൽ മരം മുറിച്ചെടുക്കണം എന്ന ആഗ്രഹമുണ്ട് ആളുകൾക്ക് അതിനു സാധ്യമല്ലതാനും. അങ്ങിനെ വനക്കച്ചവടക്കാരായ ആളുകൾക്ക് ധാരാളം മരം വെട്ടിമുറിക്കുവാൻ സാധിക്കുന്നതുകൊണ്ട് ഇന്നു വളരെ അധികം കാടുകൾ നശിച്ചിരിക്കുകയാണ്. അതിനെ തടയേണ്ടതായിട്ടുണ്ട്. മറ്റൊന്നും സാധ്യതകളില്ലാതെ സംബന്ധിച്ചുള്ളതാണ്. മലകളുടെയും കാടുകളുടെയും നടുക്കൂരുന്ന കൃഷിചെയ്യുവാൻ സാധിക്കുന്ന സ്ഥലങ്ങളുണ്ട്. ഈ സ്ഥലങ്ങൾ സാധ്യതകളില്ലാതെ കൃഷി ഉപയോഗപ്പെടുത്തുകയാണെങ്കിൽ അഥവാമരങ്ങൾ കേസ്സുകൾ കൊണ്ടുവരികയാണ് ചെയ്യുന്നത്. ഇത്തരം അനവധി കേസ്സുകൾ ഇന്നു നിലവിലുണ്ട്. എന്താണ് കേസ്സുകൊടുക്കുവാനുള്ള തെളിവ്. കൃഷിചെയ്തിട്ടുള്ള സ്ഥലത്തോട് ഒരു ഫോറസ്റ്റ് പ്രദേശം തൊട്ടുകിടക്കുന്നു എന്നുള്ളതാണ്. അതുകൊണ്ട് കൃഷി ചെയ്യുവാൻ പറന്നു സ്ഥലങ്ങളെല്ലാംതന്നെ കൃഷിചെയ്യുവാൻ അനുവദിച്ചു കൊടുക്കണം എന്നാണ് മറ്റൊരു പ്രധാന നിർദ്ദേശം കൊണ്ടുവരവാനുള്ളത്. ഈ രണ്ട് പ്രധാന മാറ്റങ്ങളെ സംബന്ധിച്ചു പരിശോധിക്കേണ്ടതായിട്ടുണ്ട്. കന്നു മരം മുറിച്ചു ഫോറസ്റ്റ് കൾ ഇല്ലാതാക്കുവാൻ ഉള്ള സാധ്യത ഇല്ലാത്തതാകക. മരം മുറിക്കുന്ന ആളുകൾക്ക് അവിടങ്ങളിൽ രണ്ടാമതും മരംവെട്ടി പട്ടികിടക്കുവാനുള്ള ബാധ്യതയില്ല. രണ്ടാമത് ഫോറസ്റ്റുകൾക്കെ നടുവിലുള്ള കൃഷിസ്ഥലങ്ങളെ സംബന്ധിച്ചേടത്തോളം കൃഷിചെയ്യുവാൻ

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സൗകര്യങ്ങൾ ഉണ്ടാക്കി കൊടുക്കണം. ഈ നിയമത്തിൽ എന്തെല്ലാം ഭേദഗതികൾ കൊണ്ടുവരണം എന്നു പരിശോധിക്കേണ്ടതായിട്ടുണ്ട്. കൂടുതൽ ആലോചിച്ചുകൊണ്ടു് ഇതിൽ പരമത്തേണ്ട മാറ്റങ്ങളെ പറ്റി ഇന്ന് എനിക്ക് സംസാരിക്കുവാൻ സാധ്യമല്ല. മറ്റു മെമ്പർമാർക്കും സംസാരിക്കുവാൻ സാധ്യമല്ല. ഈവക കാര്യങ്ങളെ പറ്റി യെല്ലാം ചർച്ച ചെയ്യുവാനും വേണ്ടപ്പെട്ട ഭേദഗതികൾ കൊണ്ടുവരുന്നതും ഭരണം ഈ ബിൽ ഒരു സെലക്ട് കമ്മിറ്റിക്ക് അയക്കണമെന്നു ഞാൻ ശക്തിയായി അഭിപ്രായപ്പെടുന്നതു്.”

SRI V. R. KRISHNA AYYAR :—“ Mr. Speaker, Sir, I support the motion that has been brought here in this House for referring this amending Bill to a Select Committee. I wish to impress upon the Hon. Minister who is responsible for this Bill, certain features which call for considerable thought and careful handling. The Madras Private Forests Preservation Act, familiarly known as the M.P.P.F. Act in courts, was passed in the year 1946. Among the various enactments that were passed in a hurry during October 1946, this Act was one. At that time it was explained that the Act would be applicable only for two years and that in the meantime Government would bring forward a comprehensive legislation. At any rate that was the wording used by the then Hon. Minister who piloted the Bill. Two years' period elapsed. Again it was extended. In the meantime no comprehensive forest policy was evolved. No Act embodying any comprehensive forest policy was piloted. We should know that our forests are not merely private property or Government property but they are our nation's wealth. Where are we now? We are in 1953. The Bill was first piloted in 1946. Seven long years have elapsed. Have the Government done anything tangible? Have they evolved any comprehensive forest policy? The answer is 'No.' What do we find here now? An amending Bill merely for the sake of extending the life of the M.P.P.F. Act for another two years more. All these seven long years nothing has been done to mark out or chalk out or delineate any comprehensive or effective forest policy. My first submission therefore to this House and to you, Sir, is that this is not the first time the Government are indulging in the kind of patchwork legislation, if I may use the term. Right from 1946 they have been accustomed to this kind of routine extension to suit the convenience of some Collector who had found some difficulty or other in the working of the Act. Only to rectify some administrative difficulties in the working of the Act, Government come forward with some verbal amendments. But that should not be the attitude which the Government should adopt. Let them note that we, hon. Members of the House are not interested in this kind of patch-work legislation. South India is famous for its forest wealth. Malabar is noted for its timber not only throughout South India but also throughout India. We want an intensive comprehensive forest policy by which the wealth of our forests would be preserved, nay enriched also. We await such kind of legislation. Let me once again repeat that we are not at all satisfied with patch-work legislation. South India is rich in forests. She is noted in the fields of sericulture and horticulture. Let the Government ponder over this

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matter carefully, take some time and bring in a comprehensive legislation. Again and again the cry is afoot from the public that we should conserve and not waste our forest wealth. It was suggested in 1947 in the K.P.C.C. Committee—I do not know whether the Hon. Minister is aware of the same—that effective measures should at once be taken for preserving our forest wealth. Six years have passed. We feel disappointed. Let the Government take note of the same. Let them bring in a comprehensive legislation.

“ Sir, as you are aware, Malabar is noted for its forest wealth. It is reputed for its timber. Timber is exported not only to all parts of South India. They go to Bombay and other northern parts also. There are two kinds of forests in Malabar. One is the reserved forests, that is forests that are owned by Government. The other is called private forest. These private forests, which cover a very wide area in Malabar, are owned by very rich jenmies who are the virtual proprietors of those forests. These jenmies do not very much worry about their forests. As such indiscriminate use of their entire forest wealth is made. They do not take proper action. The Government do not interfere. What is the result? The nation's wealth is reduced, I might even say, abused. Preservation of Private Forests Act should be enforced on correct lines. Promiscuous abuse of the private forests of the jenmis is now going on. That should be stopped.

“ From very early times, ever since 1880 the Madras Government seem to have been too much concerned with the ruinous way in which our forests wealth was being reduced. There is a fund of literature in our Legislature Library on that subject. If one were to go through the literature that is there one will verify for oneself the devastating way in which the forests of Malabar had been ruined. We are now in 1953. Still not a single comprehensive enactment enunciating an effective and definite forest policy had come into existence. What is it that we find defective in this present M.P.P.F. Act? The big merchants, I may call them by the name of ‘ sharks ’, are not punished. With a permit for cutting down hundred trees, they cut down 1,000 trees. Nobody takes note of the same. All the cut pieces are at once transported by lorries. The ‘ sharks ’ amass huge profits. After all who is there to supervise? There are only the petty forest rangers and guards who could easily be brought round by bribing. That is how things go on. I am a little bit happy to note that the Government have of late taken effective steps to root out the rampant corruption in the Forest department. These ‘ sharks ’ are thus let off. But what happens to a small ‘ fish ’, I am using this term in contra-distinction to the term ‘ shark ’, I mean the petty villager who cuts down the branches for either domestic or some other purpose or who tries to cultivate on a patch of reserved forest land. He is brought to book and is punished. As a practising lawyer I am accustomed to these trivial cases in the courts. These gullible folk and innocent cultivators are asked to give

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applications to the Collector for permission to cultivate. These applications are sent to the Collector by the Forester concerned. Then the Collector says 'No permission for cultivation will be granted but prosecution will be launched because you have already cut the trees'. This kind of harassment is going on. The result is that there is no popular support for the implementation of this particular measure. Nobody can gainsay the fact that forest wealth must be preserved. Even the K.P.C.C. report said that forests must be owned by the Government and not allowed to private or individual owners. It is time that this immediate and fundamental step is given effect to by absorbing all private forests in Malabar by Government and these forests should be made Government forests so that we can have an effective supervision of them and cutting should be done in a regulated manner or according to some scientific procedure. This is the first step to be taken. Even the implementation of this temporary legislation—the M.P.P.F. Act is only a temporary legislation and is awaiting the enunciation of a permanent forest policy—is not being worked out properly because it is now being used for harassment. I have not the slightest hesitation in saying that contiguous forests on one hundred acres must always be preserved irrespective of the fact whether it is owned by the Government or by any private individual. We are not concerned with the ownership or plurality of ownership. But, in practice, how does it work? What happens in Malabar? I do not know whether the Hon. Minister is aware of the terrain of Malabar. I wish he comes to Malabar as frequently as possible. One hundred acres could be made an engine of oppression. You can find jungle, brier and bushes all over Malabar. Now, there is no definition under the M.P.P.F. Act clearly defining what is a 'forest'. Unless you are told what is a forest, one finds it extremely difficult to find out what is a forest. We find paddy fields surrounded by jungles or some bush. In such cases, the prosecution brings home the guilt to the accused person saying 'Here is a forest'. If we say that it is not a forest because there are houses or paddy fields, the Court says that there is no definition for the word 'forest'. It says: 'It may be a forest or it may not be a forest. But in the old revenue records of 1930 (the revenue resettlement in Malabar was in that year) it is entered as "forest". Therefore I convict the accused'. That kind of thing is now taking place. Therefore the first thing that should be done now is that people must be told what exactly are forests which should not be denuded or from where trees should not be cut. The poor cultivator because he cuts a tree for the purpose of clearing a particular area is now penalized for such cutting. It may be that there is just but one tree and all the rest may be grassy area where cultivation could be carried on. Even then he is committed to Court and is called upon to establish that it is not a forest. Some village officer or karnam will come and give evidence that it is a forest. The poor accused has simply to submit himself to a conviction. This is how the Act is being enforced. It is for this reason that I say that the Executive and the Judiciary

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must be immediately separated because the Collector of Malabar oftentimes has an eye on accused persons who are acquitted. The real point is that these small 'fry' who just cultivate areas where there may be some bush or some kind of thickets are brought before the courts for violating the M.P.P.F. Act. So the most urgent thing is to tell the people clearly "These areas are forests under the Act. You shall not tamper with that area or cut any trees from that area". For that there must be some kind of notification and if once people know what are forests, they may not cut trees from those areas because they will have previous notice and warning.

"Now, in Malabar, there is extreme pressure of population. On account of this pressure of population, we find people going on cultivating in areas which are not now available. Waste lands have to be brought under cultivation. We find considerable areas of waste lands which are really fit for cultivation because they are arable waste. But if they are directly put under the plough, immediately some forest ranger or guard comes and says 'Unless you shell out some money, I will report the matter to the Collector.' We must therefore know what are waste lands which are cultivable and what are forests which are not cultivable. There is no precise definition of the word 'forest' and that leads to considerable harassment. I therefore submit that these are matters for enunciation in a consolidated and comprehensive forest policy. The second point is that in country parts especially in a district like Malabar where one might find thickets everywhere, it is easy to oppress people. The third point is that there are a large number of areas where clearing has taken place already. They are no longer forests to-day. Once upon a time they might have been forests. But to-day they have been cleared and colonies have been formed and hundreds of people live there. But still, according to the Government records, they are forests. It looks as though these people are allowed to live there because prosecutions can be easily launched. There is no point in enforcing the Act in this manner and subjecting the people to harassment. These matters should be gone into.

"The last point is the conflict between the Malabar Tenancy Act and the M.P.P.F. Act. I invite the attention of the Hon. Minister to this particular aspect. Under section 52-B of the Malabar Tenancy Act, the Government may require the landlord of any waste or forest land to lease it for agricultural purposes to any person. Thus, the State Government may grant a lease of a forest on application. But under the M.P.P.F. Act no lease granted in respect of a forest shall be valid, and such a lease shall be null and void. So there is a conflict between these two statutes. This matter came up for discussion at a meeting of the District Forest Committee when a motion was made to the Collector to grant a lease of the forest. The Collector said, "There is one statute which says that a lease of the forest land can be granted. There is another statute which says that I must prosecute the person who is granted such a lease. I do not know

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which to follow.' I said that the statute which allowed for more production should be followed. The whole enactment bristles with difficulties and drawbacks. We have to take stock of these matters and then refer the matter to a Select Committee so that the collective wisdom brought into play by the Select Committee may work for the benefit of all. It is my anxiety and concern that these forests must be preserved and must prosper as matters of public ownership. I therefore request the Government to agree to a reference being made to the Select Committee."

* SRI K. C. GOPALANUNNI :—“ Mr. Speaker, Sir, വനസംരക്ഷണ 12-50 നിയമത്തിൽ കൊണ്ടുവരേണ്ട ഭേദഗതികളെ സംബന്ധിച്ച മലബാറിൽനിന്നുള്ള മെമ്പർ പ.ന. മാർ പറഞ്ഞതിനെ ഞാൻ പരിപൂർണ്ണമായും അനുകൂലിക്കുകയും അത് ഒരു സെലക്ട് കമ്മിറ്റിക്ക് അയക്കണം എന്ന അഭിപ്രായത്തെ പിൻതുണയ്ക്കുകയുമാണ് ചെയ്യുന്നത്. അതോടുകൂടി ചിലപ്പോഴുവടെക്കൂടെ ഭേദിക്കാനല്ലാതെ വർദ്ധിപ്പിക്കാനോ കൂട്ടുകുതിർന്നു മരം മുറിക്കുന്നതിൽനിന്നു രക്ഷയുണ്ടാക്കുന്നില്ല ഈ നിയമത്തെ ഉപയോഗിക്കുന്നതെന്നു തെളിയിക്കുവാൻ സാധിക്കും എന്നാണ് എനിക്ക് പ്രത്യേകമായി പറയാനുള്ളത്. ഒരു ഉദാഹരണം മാത്രം ഞാൻ ഇവിടെ പറയാം. ഏറന്താട്ട് താലൂക്കിൽ അമരമ്പലം എന്ന അംശത്തിൽ രണ്ടായിരം ഏക്കർ വിസ്തൃതിയുള്ള “കരുള എസ്റ്റേറ്റ് ഫോറസ്റ്റ്” എന്ന സ്ഥലത്തു 1946 നുശേഷം ഏതാണ്ട് പത്തു ലക്ഷം ഉരുപ്പിക വിലവരുന്ന ഒരു വോഡിയട്ടെങ്ങനെ ഗവണ്മെന്റ് റിക്കവർ ചെയ്തുകൊണ്ടിരിക്കുന്നുവെന്നു തെളിയുന്നുണ്ട്. 1951 മാർച്ചിൽ നിലവിലുണ്ടായിരുന്ന ആപീസർ മലബാർ കലക്ടർക്ക് റവന്യൂ കമ്മീഷൻനിന്നു ചിലവടുകൾ ഞാൻ ഇവിടെ പറയുകയാണ് :

“ I beg to report that we noticed unauthorized felling and clearing and burning is going on in Valia Kithan Malai and Chieri Valia Kithan Malai of Kuralai estate forest. The owner of this land has applied for permission to clear, fell Valia Kithan Malai (97.11 acres) and the file is still under correspondence. Regarding Cheria Kithan area lying to the east of Kuzhalmunda paddy flat and contiguous to Valia Kithan Malai, the clear-felling is affected up to an area of 50 acres. The coolies working in the area refused to give their statements. I therefore request that the owner Mr. P. N. Venkatasubramanya Ayyar may be summoned to proceed with further action under Madras Preservation of Private Forests Act. These places are shown to the Special Assistant Conservator of Forests during inspection.”

“ അങ്ങിനെ കലക്ടർ തൊട്ടു റേഞ്ചർ ചരയുള്ള ആളുകൾ അറിഞ്ഞിട്ടും എത്രയും ഏക സ്ഥലം വെട്ടി നശിപ്പിച്ചിട്ടും ഗവണ്മെന്റ് ഇതുവരെയായിട്ടും ഒരു നടപടിയും എടുത്തിട്ടില്ല. ഇത് മിസ്റ്റർ കമാറസാലിരാജ പ്രധാനമന്ത്രിയായിരുന്ന കാലത്തു ഗവണ്മെന്റിന്റെ ശ്രദ്ധയിൽ കൊണ്ടുവന്നിട്ടുണ്ട്. അതുകൊണ്ട് ഈ ഫോറസ്റ്റ് നിയമം നല്ലവോലെ ഗവണ്മെന്റ് പരിശോധിക്കണം എന്നു എനിക്ക് അഭ്യർത്ഥനയുണ്ട്. അതിനാൽ ഇത് സെലക്ട് കമ്മിറ്റിക്ക് അയക്കണമെന്ന് ഞാൻ ഗവണ്മെന്റിനോട് അഭ്യർത്ഥിക്കുന്നു.”

* THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, the idea behind the amending Bill is to preserve the forest wealth in the districts of Malabar and South Kanara. I have already explained how the existing law is circumvented. Sri V. R. Krishna Ayyar said this was a sort of patch-work. I am also generally against patch-work. But I am constrained to do some patch-work, because of the peculiar situation in which we are

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now in, with the impending partition of the State. A general and comprehensive Bill will take some time. After we put our house in order, we can go into that matter. But because I cannot bring in a comprehensive Bill, I should not be prevented from getting this Bill passed. If this Bill is delayed, the forests will be further denuded and destroyed. Suppose a family of six or seven members owns a forest area of about 500 acres, and the area is so divided among the members that each one gets less than 100 acres. The present Act does not apply to forests of less than 100 acres; this kind of division is made and the Act circumvented. To prevent this circumventing of the Act, I have brought forward this amending Bill. If we are to wait for a comprehensive Bill, more and more of the forests will be destroyed in the meantime."

SRI V. R. KRISHNA AYYAR:—"Sir, certain Bills were passed by this House this morning. There was a sense of urgency about them because the parent Acts are due to expire within a short period and the amending Bills had necessarily to be passed to extend the life of those Acts. There is no such urgency with regard to this Bill, because there is no prospect of immediate large-scale denudation of forests in Malabar. A Select Committee can be appointed to go into this Bill and make a report within one month. A Bill passed on the basis of such a report will certainly be better than the present patch-work. The provisions of the present Act are so vague that any Tom, Dick and Harry who cultivates even arable land can easily be prosecuted. On account of this vagueness, the provisions can be used by the Forest department, which is already corrupt, in an oppressive manner. Besides, the Bill is not so innocuous. All the Members coming from Malabar have said that this Bill should be referred to a Select Committee. So I request the Hon. Revenue Minister to reconsider the matter."

* SRI VAVILALA GOPALAKRISHNAIAH:—"Sir, the impending partition of the State will not stand in the way if the Bill is referred to a Select Committee composed entirely of Members from Malabar."

* THE HON. SRI C. RAJAGOPALACHARI:—"Sir, first of all there is this territorial difficulty. But this may be overcome by taking in only Members coming from the areas to which the Bill relates. Is there a reasonable chance of the Select Committee meeting and making a report before we disperse? I do not think there is anything gained by appointing a Select Committee. If the hon. Members insist on a Select Committee, the Bill will have to be put off, because there is no time for the committee to consider the Bill and report before we disperse. In the meantime, the forests in Malabar and South Kanara will continue to be destroyed. What is there for the Committee to discuss beyond what has already been discussed?"

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SRI T. C. NARAYANA NABAR :—" A Select Committee can be appointed with instructions to report before the conclusion of this sitting."

SRI N. GOPALA MENON :—" May I know whether any public interest will suffer by the delay entailed in referring the Bill to a Select Committee? "

THE HON. SRI C. SUBRAMANIAM :—" Then a Select Committee may be appointed with instructions to report by to-morrow morning. The names of Members will be given later."

SRI L. C. PAIS :—" Is it proposed to include only Members from Malabar? "

THE HON. SRI C. SUBRAMANIAM :—" Members from South Kanara also may be included."

THE HON. SRI C. RAJAGOPALACHARI :—" The Hon. Minister in charge of the Bill will select Members coming from the area to which the Bill relates. But it need not be put down as a rule, because that distinction would not be right."

" Sir, the instruction to the Select Committee may be that it should report by to-morrow afternoon instead of to-morrow morning."

MR. SPEAKER :—" The question is—

' That the Madras Preservation of Private Forests (Amendment) Bill, 1953, be referred to a Select Committee with instructions to the Committee to submit its report by the afternoon of to-morrow, 29th July.' "

The motion was put and carried.

MR. SPEAKER :—" The names of the Members of the Select Committee and the person nominated by me as Chairman will be announced later." (See page 1612 infra.)

(7) THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) SECOND AMENDMENT BILL, 1953.

* THE HON. SRI M. A. MANICKAVELU NAICKER :— 1 p.m.

" Mr. Speaker, Sir, I beg to introduce the Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill ^a, 1953, and move—

' That the Bill be taken into consideration at once.' "

SRI VAVILALA GOPALAKRISHNAIAH :—" Sir, I move the amendment standing in my name, namely—

' That the Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill, 1953, be referred to a Select Committee.' "

SRI K. GOVINDA RAO :—" I second it."

^a Published in the Fort St. George Gazette, dated 1st July 1953.

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SRI S. VEMIAH :—" Sir, I move the amendment standing in my name, namely—

'That the Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill, 1953, be circulated for the purpose of eliciting public opinion thereon.'"

The amendment was duly seconded.

MR. SPEAKER :—" The motion of the Hon. Minister and the amendments are before the House for discussion."

SRI G. LATCHANNA :—" అధ్యక్ష, ఈ యొక్క బిల్లు మీద మొత్తంపైన మేము ఎందుకు అభ్యంతరం చెప్పడానికి అవసరం వుండదో అని మొదట భావించాము కాని బిల్లు వివరాలు చూస్తే, ఇందులో మూడవ క్లాజు మాత్రం చాలా ప్రమాదకరమని మాత్రం ప్రభుత్వం గమనించాలి అని నేను కోరుతున్నాను."

SRI V. K. RAMASWAMY MUDALIYAR :—" Sir, we are not able to follow the Telugu speech of the hon. Member."

SRI G. LATCHANNA :—" Sir, we felt in the beginning that there would be no objection to accept this Bill. The provision in clause 3 particularly is very mischievous. It is against the assurance given by the Hon. the Chief Minister and the Hon. the Revenue Minister on the floor of the House. This clause gives the power to Government to make an appeal against the Settlement Officer's decision. This power was asked previously when the Rent Reduction Bill was moved. In the present Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill, 1953, clause 3 comes like the Maricha in disguise. Why this provision has come here against the assurances given by the Chief Minister and the Revenue Minister? They will say that power will be used only in the interests of the tenants and not in any other way. But they cannot prevent others from safeguarding their interests. It is nothing but implementing the spirit of the judgment of the Division Bench of the High Court in favour of inamdars. It must be said in one word that the Government are very particular to see that somehow or other the decision given by the Division Bench of the High Court is implemented. This will help the rights and demands of the inamdars against the interests of lakhs of ryots. This will create an awkward situation particularly in Andhra Desa. Just before this Bill, the Irrigation Bill was passed by this House. In discussing that Bill, the Hon. Revenue Minister was pleased to say that it concerned only the Bhavani Project, and that he did not know why the Andhra Members raised objections when the Bhavani Project area people were not raising objections. Sir, this will affect most of the area in Andhra. I only want to remind the Hon. Minister about the assurances the Government gave on the floor of the House recently that they were not going to reconsider the matter. They could say that after due consideration they agreed to reconsider. But I am sorry to say this Government are failing in their repeated

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promises, assurances and announcements, made often and often during the last 1½ years, to bring forward the Estates Land Act Amendment Bill. They are failing to fulfil their promise of bringing forward the Estates Land Act Amendment Bill. But they are very enthusiastic and energetic to bring forward the present Bill to have powers to themselves in some form or other. This is very bad, and this will create lot of litigation in Andhra Desa. This will lead to nothing but anarchy. If the Government are sincere, and they want to help the people, the only way to do that is to bring forward an amendment to the Definition Section in the Estates Land Act. No other thing will solve the problem. I only request Government to drop this Bill. I have no objection to their omitting this particular clause (clause 3) and passing the rest of the clauses in the Bill. I seriously protest and object to this clause. This clause should not be passed by the House."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—

" Sir, the hon. Member for Sompeta is obsessed with the idea that the Government are doing something sinister. He is entirely mistaken. When I explain the provisions, he will, I hope, understand. The first provision is that a person aggrieved by a decision of the Settlement Officer can appeal to the tribunal. According to the Madras General Clauses Act, 1891, 'person' includes any company or association of individuals, whether incorporated or not, but does not include the Government. Now the Government want to make a provision that the Government also can appeal. That is the simple amendment. As it is, only an individual or a corporation can appeal but not Government. The Government are excluded under the provisions of the General Clauses Act. It is thought that the Government also will appeal against the decision of the Settlement Officer when an area is declared as an inam estate. I am sorry the wording in the Statement of Objects and Reasons gives some room for that interpretation. But I may here say that the Government are not interested in appealing against decisions which go against the ryots. But the Government cannot provide that only in certain instances the Government can appeal. There will be a general provision that the Government can appeal when the decision is adverse. I give the assurance that the Government will appeal only in cases where the rights of ryots are adversely affected. But we cannot make a discriminatory provision in the Bill. The second point is that the landholder may have given pāṭṭas of a communal land or lands which are of a communal nature. It so happens that the ryot cannot appeal against this either for want of finance or for want of knowledge. In such circumstances the Government will step in and will appeal in the interests of the ryots in order to safeguard the lands and preserve them for ryots and communal purposes. This is the second amendment. The third amendment is that under the Rent Reduction Act a certain rent was fixed. But the landlord might have collected more than

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1-10 p.m. the amount due under the Rent Reduction Act. For example, if the rent, according to the Rent Reduction Act, is Rs. 60, the landlord might collect Rs. 70. What the Government propose to do is that, in such circumstances, the Government will in the subsequent year, instead of collecting Rs. 60, will collect only Rs. 50. That is to say, the extra amount collected by the landlord will be offset by collecting only Rs. 50 in the subsequent year. Therefore, the advantage goes to the ryot. Further, we have got to pay compensation at the rate at which the landlord is collecting rent. But we can give him compensation only at the rate at which he is entitled to collect it. We want to make provision accordingly.

“ Then, there will be some difficulty in recovering the amount from the landlord. So, provision to recover it as an arrear of land revenue has been included in the Bill. The hon. Member from Sompeta need not think that there is something very sinister taking place.”

* THE HON. SRI C. SUBRAMANIAM :—“ Sir, I shall also ask Sri Latchanna to consider this. The inamdar is always a party before the Tribunal. In some cases, it might be the tenant that is affected. Suppose the decision goes in favour of the inamdar and is adverse to the tenants and to the Government. There should be somebody to make an appeal to the Tribunal. Unfortunately, if the tenants do not take action, nobody else can take action. The tenants may not be interested or they may be induced by some consideration or other not to take further action. In that case, the Government want to step in and take the matter in appeal. If the decision goes against the inamdar, he will, in any event, appeal to the Tribunal because he is a party to the proceeding. Now, we want to provide for a case where the decision goes in favour of the inamdar but the tenants do not take action, whatever the reason might be. In that case, the Government should have the power to step in and take the matter in appeal. That power they do not have now. That is the only provision made in clause 2. It is not as if we want to amend the definition of ‘ estate ’ or any other thing. We are not enlarging the scope of the thing. In case of appeals, only parties to the dispute can go in appeal. The Government have no *locus standi*. In certain circumstances the case goes by default because the tenants either take no interest or are purchased away not to go in appeal and sometimes they do not have even knowledge of the provision. So, the Government should have the power to step in and go in appeal. That is the simple provision that has been made here.

“ The other provision is this. Where the inamdar or estateholder has collected more money at a higher rate, the Government have got to make extra payment. To that extent, provision is made to collect the extra amount from the compensation payable to the landholder.

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“ These are the only two provisions contemplated in the Bill. There is no question of favouring the landlord. On the other hand, it is for the purpose of getting at him where there is nobody else to take action against him.”

* SRI K. GOVINDA RAO :—“ The Hon. the Leader of the House has interpreted clause 2 in a particular way. He has said that only in the case of inam villages where the interests of the peasantry are affected that the Government will step in and appeal to the Tribunal. That is the power they want to have. If that is their idea, they can straightway accept an amendment which stands in the name of the hon. Member Sri Ramalingam.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ It should not be provided in the statute itself.”

* SRI K. GOVINDA RAO :—“ But to-morrow it is not the statement on the floor of the House that will be useful.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ Legally we cannot justly or properly frame an Act by which one party is deprived altogether of remedy. The Government may not, as a matter of policy, appeal but the party must be entitled to appeal. We cannot make an one-sided provision for legal remedy. That is the difficulty.”

* SRI K. GOVINDA RAO :—“ Herein lies the danger. Suppose there is a particular inam village which has been declared an estate by the Settlement Officer. Then does not this Bill provide that the Government can go to the Tribunal and argue that it is not an inam estate? ”

THE HON. SRI C. SUBRAMANIAM :—“ What we want is that it should be declared an estate. The winning party does not go in appeal.”

* SRI S. RAMALINGAM :—“ Sir, in the Statement of Objects and Reasons it is stated—

“ Although the Government may not be generally concerned with a decision of the Settlement Officer as to whether a particular village is or is not an inam estate . . . ”

“ Therefore, it is clear that the Government are not particular as to whether a particular village is an inam estate or not. I want to emphasise that it should be provided in the law itself that it is only in cases where the decision of the Settlement Officer goes against the interests of the ryots, the Government will step in. The Government themselves say that that is their intention. So, I do not think there will be any difficulty in accepting my amendment.”

* THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, the whole inam legislation is in the interests of the ryots. The Estate Abolition Act and the other Amendment Act were all in the interests of the ryots. So, the Government will not act against

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the interests of the ryots. As I have already stated, the appeal provision will be taken advantage of only in the interests of the ryots. But we cannot make a specific provision that an appeal should be made only in such cases. That will be wrong and such a provision cannot be made in the statute."

* THE HON. SRI C. SUBRAMANIAM :—" The actual provision is—

'Against a decision of the Settlement Officer under sub-section (1), the Government may, at any time, and any person aggrieved by such decision may, within two months from the date of the decision or such further time as the Tribunal may in its discretion allow, appeal to the Tribunal'

Therefore, if a village is held to be an inam estate, the inamdar is an aggrieved party and he is entitled to go in appeal. It is not as if a third party should come to his help. Therefore, it is provided where the party aggrieved can go in appeal. But there are certain cases where the aggrieved persons do not take any action. That is, the tenants do not take action because they do not know about the provision or they do not care about it or they are purchased away not to take any further action. In those cases, it is sought to empower the Government to go in appeal. It is only when you lose a case, you appeal. When the decision is in favour of the Government, that is, when a certain village is declared an inam estate, then having won the case, we will not go before an Appellate Tribunal for reversing that decision. No winning party goes in appeal. Therefore, the Government take power to appeal only where the tenants do not appeal for want of knowledge about the provision or due to indifference."

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SRI V. BALAKRISHNAN :—" I would like to know whether anybody was handicapped by the absence of these laws."

* THE HON. SRI C. SUBRAMANIAM :—" Yes, Sir, we have been very much handicapped, because we could not go in appeal. As far as the inamdars are concerned, they are all propertied people, they have their legal advisers and they take all matters in appeal. But so far as the tenants are concerned, the same cannot be said. They cannot take the matters in appeal. In many cases, the tenants were unable to appeal and so the inamdars have walked away with the property. That is why it has become necessary to introduce a provision enabling the Government to prefer an appeal on behalf of the tenants."

SRI G. LATCHANNA :—" Mr. Speaker, in spite of the clarification made by the Hon. Ministers for Land Revenue and Finance and the kind clarification made by the Hon. Chief Minister I am sorry to say that I am unable to accept and support this amendment. Because, we have got very bitter experience in this matter. I am not questioning the intentions of the Government and the Hon. Ministers. Their intentions are no doubt good. Now the Government have put the clauses in such a way that they will safeguard the interests of only certain sections of the

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people. I do not think we can put it in that manner legally. It means that the Government have given their policy and there is nothing more in it. If that is so, we must remember that policies are bound to change from time to time as and when the Cabinet changes. Any Cabinet cannot be said to be permanent, but the Act will remain permanent. But when the Cabinet changes, the policies will change. So we cannot stand on policies, which are likely to change tomorrow or day after tomorrow. When I say this, I am not saying it on presumption. Things have been changed in this manner. When the present Government came into power, they clearly stated that after the judgment of the High Court Division Bench relating to some defect in the definitions section, they were preparing an amending Bill to make clear the position. But till now they have not done that. When we ask them what happened to it, we are told that the Legal Department is on that business. How many years it will take for them to bring this amending legislation is not known. From the time the Tanjore Tenants and Pannaiyals Protection Bill was considered and passed here, we have been repeatedly approaching the Ministers and also sending memoranda after memoranda to the Government, and making appeals on the floor of the House and also outside requesting the Government to clear the awkward position created by the judgment of the High Court so that the poor peasants may be allowed to have occupancy rights and so that there may not be mass evictions. Let them bring their comprehensive legislation or whatever it is, at any time most suited to them. But they should not delay the bringing of necessary legislation to help the poor peasants in their present plight when mass scale eviction has been going on. Hon. Mr. Manickavelu Naicker may be in charge of this Bill and in charge of this portfolio to-day. We do not know who will take charge to-morrow. As we have bitter experience in this matter, we should not allow these things to be left as they are relying on the policy of the Government. There must be specific provisions in the Act itself, for which we have been clamouring. We have had sufficient experience with these Tribunals. Especially after the judgment of the High Court, to which I have just now referred, practically all the judgments of the Tribunal are in favour of the inamdars only and not in favour of the tenants. I can say this emphatically and can challenge anybody on this matter. I earnestly beg the Government not to insist on this clause which is a very dangerous one. It will really kill thousands and lakhs of tenants, particularly in Andhra Desa. When we request the Government to take up some projects in the Andhra area, we are told 'You are getting your own State shortly and you can very well ask that State to take up those projects.' Why should not the Government adopt the same policy with regard to other matters also? This Bill will affect mostly the tenants of the Andhra districts. In Tamilnad, the tenants will not be so many. I do not deny that there will be some tenants in Tamilnad also. But 90 per cent of the tenants are in Andhra Desa. Though the

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intentions of the Government may be good, the practice will be definitely bad. I request the Government to drop at least this clause. I have no objection to the remaining clauses."

* SRI V. K. RAMASWAMY MUDALIAR :—" Mr. Speaker. I wish to say a few words on this amendment. So far as the Government amendment is concerned, it is quite all right. I don't see any reason why Mr. Latchanna should be so vehement in his opposition to this amendment. The rights of both the inamdars and the ryots are sought to be protected here. Though the Hon. Finance Minister said that the Government would care more for the ryots and their interests, it is very clear that no one particular section of people will get preferential treatment. The interests of everybody will be safeguarded. So far as the provisions relating to the communal lands are concerned, it is said that as the ryots are not in a position to contest the suits, the Government will contest them on their behalf. Even now, the revenue officials have got full powers to evict the encroachers on communal lands, and poramboke lands. Even under the old Estates Land Act, the revenue officials were fully armed with powers and the ryots are conscientious enough to take the initiative and the amendment so far as the communal lands are concerned, is not necessary.

" With regard to the recovery of excess payment of compensation, I entirely agree with the Government that whatever was paid in excess must be recovered. In this connection, I wish to state that there should not be any miscalculation by the Tribunal and the compensation should be rightly and properly assessed even in the first instance. Because, I know in many cases of displaced zamindars the compensation amount granted by the Government is attached by the creditors and very little is left to the poor zamindars. That being the case, once a wrong calculation is made and the zamindars are paid compensation in excess, it will be very difficult to recover the excess amount from them afterwards. That is why I say that instead of making a wrong calculation in the beginning and afterwards incurring expenditure and experiencing great difficulty in recovering the excess amount from the zamindars, the Government should take steps to see that even in the first instance the compensation amount is correctly assessed. If this is done, matters will be made easier. That is my submission, Sir."

SRI G. YELLAMANDA REDDI :—" Mr. Speaker, the Hon. Leader of the House, and the Hon. Minister for Land Revenue said that this is a very simple measure and there is no difficulty in it. Though it is stated in the Statement of Objects and Reasons that the Government will contest on behalf of the tenants and ryots, it is not categorically stated in the clause. It is very necessary that they should clearly and specifically mention in the clause itself that they will contest the suits on behalf of the tenants and ryots. If only they are really willing and keen to help the

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ryots, they would have categorically stated even in this clause that they will only contest on behalf of the ryots and not on behalf of the inamdars. Unless and until they definitely say this in the clause itself, we have only to take it that they are only keen on helping the landlords and inamdars. This is an atrocious clause and should not remain as it is. Probably, the Government want to hide this clause by some other clause which rather seems to help the ryots. For instance, there is the clause relating to the communal lands and the Government say that in respect of these, they will help the ryots. Whatever may be their intentions, I want that the Government must specifically, categorically and definitely say even in the clause itself that they will contest only on behalf of and in favour of the ryots."

MR. SPEAKER:—"The hon. Member may continue his speech later on. Now the Half-hour debate will commence."

IV.—HALF-HOUR DEBATE ON THE CANCELLATION OF TEACHERS' CERTIFICATES IN MALABAR.

SRI T. C. NARAYAN NAMBIAR:—"Mr. Speaker, Sir, I am grateful to the Hon. the Chief Minister as well as the Hon. the Minister for Education for the assurance that the question of restoring the cancelled and suspended certificates would be most sympathetically considered. However, the Chief Minister intervening during question hour said that short of giving subsistence allowance to the Communist teachers, everything possible will be done to do justice. By this answer, an impression was created that we on this side of the House as well as the public, the democratic public, demand the restoration of the certificates because these are Communist workers and we want them to do Communist work. I urge and request the Government to do justice not only to the Communist teachers but to all teachers. It is not a case of Communists versus the Government. It is a question of Government versus democratic opinion. This was the position during the period 1948-49 in Malabar and in other parts of the State. In this connection, I want to invite the attention of the Hon. Minister to one other fact. If the Minister feels that it was due to the so-called Communist trouble in 1948-49 in North Malabar that the certificates were suspended, I most earnestly ask him why was it that certificates of some 100 teachers of Palghat and Walluvanad were suspended where no public meetings were held, where no Communist agitation was taking place and where no peasant trouble started in 1948-52. You may ask, Sir, why these hundred certificates were cancelled and suspended. The main reason is on March 8, 1948, the Malabar aided elementary school teachers met in conference at Tirur in South Malabar and passed a resolution that though the Government had passed orders in 1947 that the teachers would be given the minimum scale it was not

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* See Starred question No. 940 answered on 24th July 1953. The Half-hour debate was cancelled on 25th July 1953 but is since taken up to-day.

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given and that they in consequence had resolved to go on strike with effect from 15th June 1948. It was on communication of this resolution that the Government wanted to see that the teachers' movement was crushed and, Sir, if you see the names of teachers whose certificates were suspended or cancelled, you will find that most of them were either the Presidents or the Secretaries or Vice-Presidents or treasurers or members of the executive committees of the various branch unions of the Malabar Teachers' Union. The Hon. the Chief Minister was saying that if we stood on technical grounds, probably all the applications might be dismissed. From this I understand that the Government are not going to stick to technicalities. But there is another danger in this. Why I say technicalities have to be adhered to is this. There is, for example, Section 154 of the Madras Educational Rules. That is the only safety valve; that is the only safety section in the rules under which the teacher can claim some security of tenure against the bureaucratic deputy inspector, the District Educational Officer and the Director of Public Instruction. Nearly 600 certificates have been suspended and not one teacher was asked to explain why his certificate should not be suspended or cancelled. According to the rule, the manager or the deputy inspector should report to the Director of Public Instruction about the particular teachers against whom disciplinary proceedings have to be taken and the Director should hold a personal enquiry. Here I can give hundreds of instances where so many villagers and co-workers of the teachers had said that the teachers under suspension were the best teachers and not at all guilty. The pupils, the parents, the managers, the co-workers and the villagers all said that the teacher was not guilty and yet the Divisional Inspector at Coimbatore and the Director of Public Instruction at Madras who are hundreds of miles away from Malabar said that he was unfit. Because these things were done unjustly I request that the certificates should be given back unconditionally.

"I have one thing to say about the procedure adopted. It was in June 1948 that most of the certificates were cancelled. On the 22nd July, a conference was held in Kozhikode over which Mr. K. Kelappan, President of the Malabar Provincial Congress Committee presided, and a resolution was passed that the cancellation was indiscriminate in that even Congress teachers were involved. Sir, during the last Budget session, I drew the attention of the Government to the fact that even certificates of non-teachers were suspended and cancelled. (Laughter.) It will be seen from the notification issued in 1948 that the certificate of one K. Ambukutti Master was suspended. He was never a teacher and how could a thing that does not exist be cancelled? Why I say all this is to show that the whole thing has been done indiscriminately without going into the facts of the case. With regard to the restoration of certificates some of those teachers who were asked to go to the landholders or the police or village magistrates for getting conduct certificates were restored their

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certificates. When this gross injustice was brought to the notice of the Government as well as the Education Minister in 1951, a G.O. was sent—No. 2700-B/51-2, dated 19th April 1951—by which a Police constable should report to the educational authorities whether the teacher is good or bad. Sir, it is on this order that so many police constables have been going to the villages and I need not say what they will do when they have got such an authority. I do not understand why the police constables and sub-inspectors are empowered to report about a teacher. We speak of sanctity and purity of education and educational authorities and I am shocked and surprised to see that the police officers are given powers to report on the teachers' conduct and that too at their back without any enquiry whatsoever.

"I am glad, Sir, that the Government and the Education Minister in particular are considering very seriously how these things could be done. I know some arrangements have to be made and it is not my duty to say what they are . . ."

MR. SPEAKER :—"The hon. Member's time is up. I have already allowed him ten minutes. Mr. Lakshminarayana Reddi will speak."

* SRI T. LAKSHMINARAYANA REDDI :—"Mr. Speaker, Sir, this matter should be seriously considered by the Government. These certificates were cancelled when the Government took repressive measures against progressives, the teachers who remained in villages and who remained in schools. They did not identify themselves with any political party but they appeared as progressives as others. These were booked by the Police and the Divisional Inspectors; they reported that they were communists or had some association with the Communist Party. This is not correct and afterwards, after cancellation of their certificates worst things happened. It is not only in Malabar, but in Anantapur and Cuddapah districts also that these things happened. Many teachers had no association with either the Communist Party or the Rightist or Leftist or any Radical Party. Still their certificates were cancelled. After consideration Government restored a few certificates. What the teachers represented to the authorities, what they represented to the representatives of the people is that all the certificates should be restored. It is the elementary right of the teachers; no Government, no sane Government could refuse to consider this request. It was a political conspiracy. If you go to other countries, you can see how teachers are treated there, whether teachers are suspected as in India. During 1949-50 the teachers had no right to teach boys in the nights. They were watched by the C.I.D. The teacher was booked as Communist. Education was denied to many thousands during that period. The teachers were punished for their progressive ideas. I request Government to consider the cases in Anantapur, Cuddapah and other districts and see that the certificates cancelled are restored.

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“Certificates were also cancelled because the teachers were associated with the Teachers' Federation. The Federation had done something to unite the teachers and strengthen their organisation. It was a genuine attempt. There is one case in my own district where for joining the Federation, the Secretary of the District Teachers' Federation was dismissed. I expect even now the Government which has Rajaji at its head will discontinue such things, give the teachers freedom to join the Federation and to help the progress of the country and the students. Let not repressive steps be adopted by this Government; let the certificates be restored and the dismissed teachers reinstated in service.”

III.—GOVERNMENT BILLS—*cont.*

(6) THE MADRAS PRESERVATION OF PRIVATE FORESTS (AMENDMENT) BILL, 1953—*cont.*

MR. SPEAKER:—“I shall now announce the names of Members of the Select Committee appointed to consider the Madras Preservation of Private Forests (Amendment) Bill 1953 :—

- (1) The Hon. Sri M. A. Manickavelu Naicker.
- (2) The Hon. Sri K. P. Kuttikrishnan Nair.
- (3) Sri N. Gopala Menon.
- (4) Sri K. Venkatramana Gowda.
- (5) Sri A. Appu.
- (6) Sri Y. Manjaya Shetty.
- (7) Sri E. K. Sankaravarma Raja.
- (8) Sri T. Anantha Pai.
- (9) Sri V. R. Krishna Ayyar.
- (10) Sri K. C. Gopalan Unni.
- (11) Sri R. Krishnan.
- (12) Sri T. C. Narayanan Nambiar.
- (13) Sri M. Narayana Kurup.
- (14) Sri P. Kunhirama Kidavu.
- (15) Sri S. S. Kolkebil.

This was accepted by the House unanimously.

MR. SPEAKER:—“I now appoint the Hon. Sri M. A. Manickavelu Naicker, the Minister for Revenue to be the Chairman of the Committee.”

IV.—HALF-HOUR DEBATE ON CANCELLATION OF TEACHERS' CERTIFICATES IN MALABAR—*cont.*

* SRI N. SIVARAMI REDDI:—“Sir, in Andhra Desa, the teachers have got their own organization called the Teachers' Federation and also their own paper called the Upadyaya. But the local authorities have always discriminated and they have

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issued orders that whoever subscribed for this Upadyaya and this organization will be punished. They have called for the explanations of teachers who worked as office bearers or held posts in this organization. They were also punished. Thereupon, the Teachers' Federation filed a suit against this high-handedness in the High Court and the High Court also upheld the cause of the teachers by ordering that a teacher cannot be punished because he is a member of the Teachers' Federation. Not only in Malabar but in Andhra also, Government have taken action against the teachers merely for being office-bearers in this organization.

"According to rule 151 the Madras Educational Rules, if any action is to be taken against the teacher, an explanation has to be called for, but even this rule framed by the Government is violated by the Government in practice. There are many people in Cud-dapah district who have lost their certificates, viz., Vijayaramaraju, Rosi Reddi, Sanjeeva Reddi and Lakshmi Reddi. I request the Government who say that they are pursuing a liberal policy to come forward and see that the lost certificates are immediately restored to the teachers."

* THE HON. DR. M. V. KRISHNA RAO :—"Sir, it is stated that the discussion is with reference to the cancellation of certificates of some teachers for political reasons. About 398 certificates were suspended and 200 of them were restored till February 1953. Since then we have been trying to follow a very liberal policy, as I have already stated, in the matter. Most of these certificates cancelled were in Malabar, that is the Coimbatore Educational Division. About 343 were from the Division of Coimbatore. Now during the last two or three months, we have been getting information from the various districts and we are trying to restore as many as possible. We are still in the process of getting information.

"With regard to the history of this question, I wish to clarify one or two things raised by Mr. Nambiar. He has made an allegation that these certificates were not cancelled for any real reason involving law and order, but merely because they were members of an organization, etc. I wish to state . . . "

SRI T. C. NARAYANA NAMBIAR :—"Sir, it is not an allegation. I can produce even copies of the proceedings of the Director of Public Instruction in which it was stated 'teachers having communistic ideas'. I do not know how these ideas are understood by the Director of Public Instruction."

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* THE HON. DR. M. V. KRISHNA RAO :—"Sir, in accordance with G.O. No. 1855 of 1950, only the Inspector-General of Police was asked to report to the Education Department cases where there were convictions. There was no interference by the Police Department in the Education Department as such, as has

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been alleged. The hon. Member will not expect the Government to give a guarantee that the Police Department will not take cognizance of any activities of any citizen which are of subversive nature, be he a teacher or any other person. We have to maintain law and order irrespective of the fact whether he is a teacher or any other person. In no case will a person, whether he is a teacher or otherwise, be allowed to utilize his position for any subversive activities. Some years ago, it so happened that a large number of teachers for participation in subversive activities were duly convicted in courts of law and in those cases their certificates were cancelled. (Interruption by Sri T. C. Narayanan Nambiar.) Please let me have my say. Sir, in such cases alone, certificates were cancelled without the usual formality of framing charges and conducting an enquiry. In all other cases the Education Department itself framed charges and cancelled certificates after conducting an enquiry. Subsequently, so far as the organization is concerned, the Government have passed an order permitting teachers the freedom to join any organization and that cannot be ignored by this House. I find the hon. Member has conveniently chosen to ignore that order. I wish to submit, Sir, that the freedom of organization should not be utilized in any manner to subserve in subversive activities. When subversive activities are undertaken, it is the department dealing with law and order that will have to deal with it."

SRI N. SIVARAMI REDDI :—" On a point of information, Sir."

MR. SPEAKER :—" The Hon. Minister is not yielding."

* THE HON. DR. M. V. KRISHNA RAO :—" Sir, I wish to emphasize that according to the present policy of the Government, the teachers are free to organize themselves. There is no ban against the Federation and I myself declared open a conference of the Federation in Kakinada where the teachers from Andhra met. In spite of that, statements have been made that the Federation is being treated in a partial manner and that the Government are opposed to it. Nobody is penalized to-day because he is a member of the Federation. If in any particular case there is adequate ground for any disciplinary action to be taken against a teacher in a particular place, that should not be mixed up with this and an allegation made against the Government that we are interfering with the freedom of organization. So far as certificates are concerned, for certain reasons at a particular time they were cancelled. Now we are trying to take the assurances of the hon. Members of the various political parties and of the organizations at their full value and we are trying to follow a liberal policy. In fact, wherever there is no direct knowledge that a person is still involved in subversive activities or where a person has not been guilty of anything involving moral turpitude of a very serious nature, a very liberal policy is sought to be followed and it will be for the Government to restore as many certificates as possible,

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if only for one reason, to give an opportunity to the teachers concerned to resume their normal duties as teachers. In this connection, I wish to submit that while freedom of organization is guaranteed to the teachers, it should also follow that in the interests of the general weal of the country, the society and the teachers themselves, they should not allow themselves to become in any manner tools in any subversive activity and become whole-time political workers of parties which are likely—I am not referring to any particular party—to involve them in troubles. That is the view I expressed when I went to Malabar and Kakinada to meet the teachers. Therefore, Sir, the police do not interfere with nor do they consult the Education Department. In cases of positive conviction alone, the Police Department was giving information at that time. Therefore, Sir, in the interests of education itself and in the interests of the teachers, the students and the society as a whole, I have to submit to this Hon. House, that parties leave the teachers alone and do not involve them in very active politics which may sometimes land them in troubles for which they will have naturally to take the entire responsibility. The sufferers will be the teachers. Education also will suffer a set-back. Therefore, I take this opportunity to appeal to all members that the teachers may be left to do their teaching duties unimpeded. So far as the Government are concerned, as I have already stated, we will follow a very liberal policy and will try to restore as many certificates as possible taking the assurances given at their full value."

MR. SPEAKER:—"The House will now adjourn and meet again at 8-30 a.m. to-morrow."

The House then adjourned.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

